



Mrs Yvonne Budden
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12th September 2014

Dear Sir,

Please find attached the written submission of evidence to the Independent Review of the implementation of the Research Councils UK (RCUK) Policy on Open Access from the United Kingdom Council of Research Repositories (UKCoRR).

This evidence is submitted as an organisation and represents the views of our member's and not our member's associated institutions. The responders have no conflicts of interest in this matter. Please address any correspondence about this evidence to the named individual above.

This evidence is not confidential.

Kind regards,



Mrs Y. C. Budden

Review of the implementation of the RCUK Policy on Open Access

Evidence from the United Kingdom Council for Research Repositories

1. This report details evidence of the effect of the implementation of the Research Councils UK (RCUK) Policy on Open Access during the period 1st April 2013 to the 31st July 2014 as witnessed by the membership of the United Kingdom Council of Research Repositories (UKCoRR). Many UKCoRR members have contributed to the returns of their institutions as well and as such this evidence presents an additional viewpoint to those returns.
2. Members of UKCoRR, as repository staff and as the staff members most experienced with the concepts of open access, have often taken a leading role in the implementation of the RCUK policy in their institutions. As such the views and positions presented here are born of practical experience of working with the processes that have been developed for the policy.
3. The implementation of the policy has raised a number of difficult issues for both institutions and researchers and this evidence will attempt to touch on them all as part of the process towards improving the policy. However there are also areas where the policy has been working well and these will be touched on first.
4. The policy also works well where the author is in contact with the institutional processes in good time and is requesting funding for a publisher who has established good clear processes. In the main these are the larger publishers and the pure OA publishers. In such cases this usually means we have the opportunity to provide guidance to the author on the particulars of the RCUK policy, such as the need for a CC-BY licence and any repository based options they may have. These situations also mean that there is less post-process chasing of publisher to ensure that they have provided what has been paid for in terms of open access and that they have provided the correct licence type.
5. The process to split APC payments across institutions remains a rarity, in the main where institutions are paying the APC they are paying the full amount. However, where we have needed to split APC payments this process has, in the main been agreed by the researchers (and administrators) and invoices have been raised in a straightforward manner by the publisher.
6. There has been concern over the requirements for the CC-BY licence, particularly from researchers collaborating with industry. Standard contracts in this area include a provision for an embargo on publication to allow for the commercial exploitation of the research. While this removes the articles from the conditions of the policy for the period of the embargo there remains concerns about the effect of publishing under the CC-BY licence on the commercial exploitation of research.
7. Concerns have also been voiced on the difficulties of combining a CC-BY licence with the use of licensed and/or commercial images, essential to certain disciplines. Arts researchers have been doubly affected by the policy with long embargoes (typically 18-24 months) being common and with issues around acquiring reuse rights for images used in articles licenced under CC-

BY. There are ways that have been developed to mitigate this situation, such as the use of the CC-BY licence for the text and more stringent licences used for the images, but this carries an additional risk to those bodies providing the images as well as to the users of the material.

8. The above situation can also present difficulties for automated text-mining where a range of nested licences can be difficult to articulate in a machine readable way. Although the amendment to UK copyright law¹ for Text and Data Mining (TDM) means this is less of a problem for TDM within the UK, it is still a problem for the rest of the world and for commercial exploitation of research.
9. The requirement for short embargoes under this policy and the reaction of publishers in the movement of their embargoes (which have been in both directions), has left some researchers who wished to use the 'green' route forced into using the 'gold' route and into using a licence they are not comfortable with for their work. This conflict and continued confusion about the terms of the policy has also led to researchers deciding against open access altogether and publishing in a non-compliant way. A movement to aligning the RCUK policy to the HEFCE policy on Open Access for the post-2014 REF would allow more outputs to be made open access via a route that best serves the needs of all involved parties, as recommended by the House of Commons report on Open Access.
10. In relation to the above researchers and support staff continue to be unclear about which embargos are 'compliant' and which are not. While in theory the option of two groups of embargo periods would seem to allow for a higher level of compliance but in fact has made the process harder to articulate clearly. Compounding this issue are those journals listed as having a 'compliant special embargo's of 12 months for EPSRC funded articles (see Appendix A) which would only apply if the researchers did not have access to one of the block grants.
11. One area of concern we have had has been around journals that have not made clear their options on open access. Of particular concern are the journals that have compliant options but only if they are requested or negotiated by the author. This situation has been improving during the period, RCUK should continue to work proactively with the publishers to ensure that their policies on open access are, clear, consistent and updated with the various Sherpa services (particularly RoMEO and therefore FACT) to allow support services in institutions to accurately advise researchers on the level of compliance for their preferred journals.
12. There continues to be concern around presentation of the CC-BY licences by publishers. The American Chemical Society (ACS) has only recently begun displaying the fact that an article is CC-BY licenced despite taking payment for CC-BY since the start of the RCUK policy. However, the way ACS displays the licence information does not follow established Creative Commons standards and ACS have placed it alongside the far more prominent 'RightsLink' option, a situation which could lead to researchers paying for reuse permissions which are not required under the CC-BY licence.
13. These issues are not restricted to ACS, many publishers do not seem to have provision within their 'copyright permissions' systems to recognise open access material and accurately reflect the terms of the CC-BY licence. An additional argument to display the licenses more

¹ <http://www.legislation.gov.uk/ukxi/2014/1372/regulation/3/made>

clearly. Other publishers who do not adequately display the CC-BY licence include Wiley, where the license is not clearly displayed, Elsevier who display only that the article is open access but do link to the specific licence from this statement and Springer where the details of the exact licence is only mentioned at the end of the full text of the article or in those articles published under the SCOAP3 deal. Appendix B gives examples from ACS, Wiley and Springer.

14. We continue to have trouble with publishers providing what has been paid for in terms of open access and the correct licence. Some, e.g., Elsevier, are issuing the early-view version of articles as CC-BY-NC-ND, although the CC-BY licence has been purchased, until the version of record is released and payment is confirmed. It also undermines the principles of the RCUK policy as it effectively places an embargo on reuse of the article.
15. APC payment processes have been very time consuming whilst library staff are having to deal with multiple individual publishers for multiple individual requests. The potential support staff costs are considerable when scaled up to full compliance. Many publishers continue to have complex multi-step processes to request open access for an article requiring a number of forms to be completed by the researcher, which often duplicate forms they have been asked to complete previously. There continues to be a great deal of chasing that is required to usher an article through the process both for staff at the institution and for publishers. This process can often take up to four months and we have examples from members of this process taking over a year to resolve. Email trails have focussed on unclear contact points within the publishers and duplicated requests for forms to be completed by the author before invoices can be raised. Additionally publishers are continuing to need to be chased after payment as mentioned above.
16. Despite awareness-raising programmes authors are, in the main, approaching the support services at the point of acceptance rather than earlier in the process. This has resulted in rejection of a number of requests for funding where journals are non-compliant with the RCUK policy. We would welcome a statement from RCUK that the academic choice of journal is paramount and that, providing reasonable efforts have been made to engage with the open access policy, they accept that 100% compliance will not be possible and is not desirable.
17. The cost of 'gold' open access continues to be exceptionally high, especially in hybrid journals. There have been signs of publishers looking to raise these further at the same time as we have indications that journal prices are also set to rise this year despite the additional funding received as APCs. The block grant is an important intervention in that it would be difficult to accommodate the requirements for Gold open access were it to be discontinued. As a recent report indicates, the market is in an early stage of development and funder support and steer is important for its appropriate evolution.
18. The policy's emphasis on 'gold' open access risks creating a two tier system between those who have access to the block grant and those who do not. Institutions who are relying on the reduction in serials costs to be able to facilitate the move to open access for unfunded researchers will continue to face dissatisfaction from their staff. This is especially true in disciplines, such as Medicine, where 'pure' open access journals are beginning to rise to prominence, lacking access to any kind of open access funding could limit the exposure of UK research in these high profile, 'pure' open access journals.

19. Policy communication by the institution remains an ongoing and repeated process that is still facing misunderstanding and confusion from many researchers. The confusion in the early stages of the policy was not helpful for this and we are still hearing previous versions of the policy in conversation with researchers. Researchers are also frustrated with the number of incompatible policies from research funders and we would encourage RCUK to continue to work to align their policy with others closely.
20. The difficulty of collecting the data required for demonstrating compliance differed from institution to institution. The majority of members found that they could report confidently on the areas where they had retained control, for example on monies spent from the block grant held centrally, but less easily expenditure that came from existing grants or other sources within departments. The data also proved to be time consuming to analyse as it required information from a variety of sources to be normalised and combined. In addition much of the evidence requested for the review was not formally recorded making presenting hard evidence difficult. We recommend that RCUK continues to work with institutions and Jisc in developing more automated processes to monitor compliance.
21. Under the current requirements for demonstrating compliance there will also be a high level of duplicate reporting from many institutions where levels of compliance for a single institution will often overlap with other institutions due to collaboration on joint authored articles. Therefore RCUK should take care when reporting national levels of compliance with their policy.
22. RCUK has missed an opportunity to achieve open access in a much more sustainable and cost-effective manner by working with the existing repository infrastructure to change the culture of scholarly publishing. The current policy creates an environment that seems to prioritise the needs of the publishers and perpetuates the status quo. It also risks, by creating a situation where researchers lose patience with trying to fulfil the requirements of all of the bodies they are subject to, deprioritising the central purpose of the process: the wider dissemination of research findings.
23. Overall it is felt that the RCUK policy in combination with publisher policies continues to give rise to confusion for researchers and support staff in institutions, adds an additional workload to all points of the publishing process, can be incompatible with other policies and allows too much credence to the needs of the publishers to truly be fit for purpose. We would recommend that RCUK looks to:
 24. Work with HEFCE to align their open access policies for practicality and promotional reasons. Government and funder drives to openness are challenging enough for institutions and researchers to adopt; mixed messages or other uncertainty compounds the difficulty.
 25. Recommend that - where IP for outputs does not rest with the institution – authors should assign a non-exclusive license to their institutions to allow for hosting in a repository (i.e., the Harvard model²). HEFCE guidance is that consideration be given to rights retention. A move towards this kind of licence would allow researchers to comply with both RCUK and HEFCE

² <https://osc.hul.harvard.edu/authors/amend>

policies in a much more cost effective manner, but will require support from authors and institutions.

26. In addition to this we would recommend that RCUK works with HEFCE, publisher representatives and all other interested parties to agree a common generic licence for 'green' route open access materials. This is essential if RCUK wishes to use RIOXX³ in the future and will extend the same assurances to 'green' route material as the Creative Commons licences do to 'gold' material.
27. The permitted embargo period of 6/12 months until the money runs out and then 12/24 months causes confusion. This should be clarified by RCUK to present a single option in harmony with other funder's policies.
28. Be (more openly) active in advocating publishers regarding compliance, and promoting this advocacy amongst the academic community.
29. Confirm as early as possible that there will be continued block grant funding for open access for 2014-2015 onward, and that institutions may roll over unspent block grant funding into the following financial year. Assurance that a commitment to fund an APC will be met would support advocacy and encourage early author engagement with gold open access.
30. If the emphasis on gold open access is to be continued, support further development such as that undertaken by the Jisc APC project to create a system that works with the majority of publishers with minimal administrative burden for authors and institution.
31. Promote opportunities for authors, publishers (i.e., those who actually manage open access processes rather than media representatives), library/services staff and potentially others such as Jisc to jointly consider concerns and workflows.

³ <http://rioxx.net/>

Appendix A - Special Compliant Embargos Example

Funders & Authors Compliance Tool

Helping you comply with research funders' policies on open access to publications

Funder: Engineering and Physical Sciences Research Council

Journal: ACS Chemical Biology
ISSN: 1554-8929, Publisher: American Chemical Society

✓ You can comply with your funder's policy:

- ✓ You can publish your article compliantly with open access
Paid open access option available - [ACS AuthorChoice](#) - with a range of Creative Commons licences to be selected or confirmed by the author. Indicative fee: \$1000-\$3000 per article - Discount for members
- ✓ You can archive your article compliantly in an open access repository
This journal has a compliant special embargo of 12 months for funders that require archiving of articles.

Appendix G – Display of Licenses Examples

Wiley

Communication

De Novo Generation of Singlet Oxygen and Ammine Ligands by Photoactivation of a Platinum Anticancer Complex†

Dr. Yao Zhao^{1,2}, Dr. Nicola J. Farrer¹, Dr. Hullin Li¹, Jennifer S. Butler¹, Ruth J. McQuitty¹, Dr. Abraha Habtemariam¹, Prof. Dr. Fuyi Wang^{2,*} and Prof. Dr. Peter J. Sadler^{1,*}

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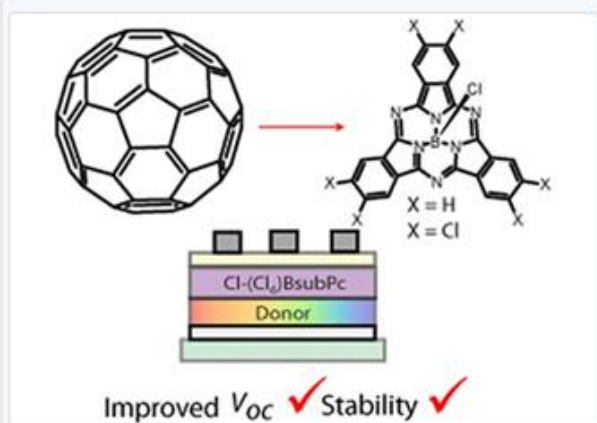
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Abstract



Improved V_{oc} ✓ Stability ✓

In this paper, we discuss the use of the typical electron-donor (donor) material boron subphthalocyanine chloride (Cl-BsubPc) and a chlorinated derivative (hexachloro boron subphthalocyanine chloride, Cl-(Cl₆)BsubPc) to act as electron-accepting (acceptor) materials and as replacements for C₆₀, when coupled with tetracene and pentacene as the electron-donor materials in organic photovoltaics (OPVs). A large decrease in photocurrent was observed when C₆₀ was replaced in the pentacene OPVs, although there was evidence of the harvesting of some triplets for the pentacene/Cl-(Cl₆)BsubPc OPV. Large increases in V_{oc} and stability were observed. Photoluminescence quenching, electron mobilities, and photovoltaic device characteristics are also presented and indicate the ambipolar quality of these small molecule organic semiconductors.

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