
AN OPEN ACCESS POLICY FOR UNIVERSITY OF KANSAS SCHOLARSHIP: SUPPLEMENTAL INFORMATION

Charge to the Subcommittee:

Develop a policy designed to promote open access to KU scholarship. The policy would outline a process to collect, preserve, and disseminate scholarly articles of KU faculty through KU ScholarWorks. Recommended policies should be discussed by governance and the KU research community. Report recommendations to FacEx by February 16, 2009.

Preface:

The central purpose of this policy is to increase the ability to preserve, store and provide access at KU to the diverse scholarship of its own researchers. Under this policy, the scholarly process *remains unchanged*. That is, authors continue to select their choice of journals, submit the manuscript, go through the full peer review process, and publish in the journal just as before. There is no disruption of that time-honored process.

The Open Access Policy simply allows the KU faculty author to grant a license to KU that allows depositing a copy of that published research in KU's institutional repository. The policy involves no transfer of copyright to KU, and KU's institutional repository in no way would be substituting for the role of the journal publisher.

This self-archiving practice is becoming more commonly accepted and supported by the journals themselves. Approximately 60% of current journal publishers presently allow some version of author archiving, including journals published by John Hopkins Press, University of Chicago Press, Blackwells, Elsevier, Taylor and Francis, Springer, and University of California Press, to name a few. Other publishers, such as Cambridge Journals and Oxford Journals, are now offering pay-for-open-access models that will most likely evolve over time.

An open access policy that populates KU's institutional repository can make KU-based research and publications available to an international community on a scale impossible to achieve in paper publications, or even via online electronic subscription databases. KU's research can be disseminated to a worldwide audience, reaching scholars who would not otherwise have any access. Given that we publish to share knowledge, publishing in ways that reach the broadest audience seems logical.

Rationale:

This policy and associated information were prepared by an *ad hoc* subcommittee of the University Faculty Research Committee, in response to the above charge.

First, the policy confirms KU faculty ownership of copyright of their scholarly work, but provides a mechanism through which faculty would grant limited and non-exclusive permission to KU to make work published in scholarly journals accessible by posting it in an open, on-line repository of scholarly publications—KU ScholarWorks.

When faculty authors sign away copyright, as they are frequently asked to do in publication contracts with publishers, they no longer necessarily have the right to use, or permit the use of, their work in ways that advance their own goals and the research and education goals of KU and the academy. Faculty may be unduly restricted in the dissemination and use of their work, such as the ability to post work on the Internet, deposit it in long-term preservation archives, or create follow-up or derivative works. These restrictions decrease the utility and impact of scholarship, and may delay, diminish, or hide the scholar’s contributions to the progress of knowledge.

Copyright ownership, however, comprises a set of rights, and copyright law allows authors to transfer some rights and retain others. Retention of all copyright rights allows an author full autonomy in use of his or her materials, but an author may transfer some rights to a publisher and retain others, which achieves a balance between the respective goals of publishers and authors. The latter may benefit greatly from sharing the material to further scholarship.

In seeking this balance, the KU Open Access policy is designed to achieve an optimal balance from the standpoint of KU faculty. As such, the policy:

- Asserts and confirms the KU faculty author as the copyright holder;
- Supports authors’ retention of rights in order to use and develop their work without restrictions;
- Ensures that KU faculty grant to KU a non-exclusive right (license) to make published research available in an open access repository, where it will be permanently and freely accessible;
- Offers a mechanism for KU faculty to transfer limited rights to publishers so that the work can be published, and so that the publisher can receive financial return and proper attribution and citation as the source of first publication.

While Harvard University’s Faculty of Arts and Sciences and Law School and Stanford University’s School of Education faculties each elected unanimously to pass open access policies, the KU policy will be among the first faculty-initiated university-wide open access policies in the country. It will place KU faculty among the leaders nationally in opening the products of academic research to the world. This policy is—it

should be noted—a faculty-driven initiative, and not a directive from the KU administration, but it is hoped that it will be an initiative on which both faculty and administration can collaborate, as it will be beneficial to all involved. The wording of the policy may appear to be rather strong and absolute: indeed it is, but this tone is only indicative of its intent to provide a strong basis for interacting with publishers for the purpose of opening access to KU scholarship, rather than indicative of its being a directive from above. Much of the language of the policy is drawn from and inspired by the Harvard and Stanford faculty-instigated policies.

A growing body of research indicates that open access (OA) offers considerable advantages to scholars. Several detailed analyses have been developed comparing citation rates and impact scores for OA versus closed-access publications (Antelman 2004; Harnad and Brody 2004; Harnad et al. 2008). A general summary of results is that OA articles are cited dramatically more frequently than comparable non-open access articles. OA benefits include higher citation rates and improved access to content by colleagues worldwide.

Several potential benefits also accrue to the university, schools, colleges, and units from implementation of an OA policy by the faculty. Administrators are able to showcase the strength, diversity, and depth of KU research results for Kansas citizens, and for peer institutions, scholars, and colleagues around the world. The willingness, or rather the interest and insistence, on the part of the faculty to share their work demonstrates their commitment to the broader community, including students, Kansas citizens and alumni whose taxpayer and charitable dollars fund, at least partially, the KU faculty's research capacity.

As one opinion piece (Johnson 2002) put it,

... an institutional repository concentrates the intellectual product created by a university's researchers, making it easier to demonstrate its scientific, social and financial value. Thus, institutional repositories complement existing metrics for gauging institutional productivity and prestige. Where this increased visibility reflects a high quality of scholarship, this demonstration of value can translate into tangible benefits, including the funding—from both public and private sources—that derives in part from an institution's status and reputation.

National support among faculty and administrators of public institutions is growing. On 6 February 2009, the Executive Committee of the Council on Academic Affairs of the National Association of State Universities and Land-Grant Colleges passed a resolution encouraging campuses to initiate policies “to promote and assure broad access to and dissemination of research and scholarly work produced by faculty.”

Background of KU Open Access Policy Development

In response to its charge, the subcommittee conducted a faculty-wide online survey, to which 151 KU scholars responded, and held two open meetings, in which faculty provided additional information and comment. Summarizing this input, among potential benefits of OA, KU scholars rated the ease with which other scholars can access KU publications as most important, followed by preserving KU research in a central place, making research materials available without the researcher having to maintain his/her own website, and long-term preservation of digital research materials; preprint and pre-publication versions of publications being available was rated as unimportant.

Faculty survey respondents worried about highly selective publishers resisting copyright changes, and expressed their own lack of clarity regarding copyright issues, but rated as neutral their worry about assigning copyright to KU, and as unimportant any concerns about citation value of OA publications, effects on tenure, risks to patentability, and effects on grants and other research activities. The policy below addresses these concerns as fully as possible.

In-depth discussions in the open meetings with faculty revealed similar interests and concerns. The most important points emerging from those dialogues were the need for clear guidance in managing copyright in light of an OA policy at KU, making the OA copy deposition process very efficient and clear to the researcher, and providing effective assistance to faculty at each stage of the process. Finally, later in the process, in-person discussions with several faculty members with particular concerns about the OA policy have resulted in changes to the proposed policy, all of which are reflected in the 10 March 2009 version under consideration.

Questions and Answers

Under which situations will the OA policy apply?

All KU faculty publishing scholarly journal articles are required to participate in this process, although faculty publishing other forms of scholarship (e.g., conference proceedings, visual arts) are certainly encouraged to participate. Participation is defined as asserting the right to post an article in KU ScholarWorks from a publisher *or* opting out by requesting a waiver (see below). Even when an author opts out for a specific article, the basic bibliographic information for the article is still included in ScholarWorks. All KU faculty are thus able to participate in the OA process; although the policy does not at this point extend to other scholars at KU (e.g., students, staff), they also are encouraged to participate. KU faculty who so wish may opt out of participation in the KU open access policy on a yearly basis.

Why does the policy only address scholarly journal articles?

Scholarly articles are typically presented in peer-reviewed journals and describe fruits of scholars' research that are given to the world for the sake of inquiry and knowledge, without expectation of payment. Many products of faculty research efforts do not fit within this notion: books, popular articles, commissioned articles, fiction and poetry, encyclopedia entries, ephemeral writings, lecture notes, images, performance videos, lecture videos, or other copyrighted works. This differentiation is not made to denigrate such research products. Rather, these products are generated as part of separate publishing or distribution mechanisms that function in different ways from scholarly articles. The challenges of OA to such forms of scholarship are parallel to those treated in this policy, and could even become the focus of future extensions of the KU policy.

Indeed, the KU OA policy in no way discourages faculty from depositing other types of scholarship and research products. All scholarly products that can be captured digitally and deposited into the digital archive are welcomed. By so depositing such additional products of scholarship, the unique contributions to the scholarly record created by KU faculty can be made available and showcased for other scholars and the broader community.

How will the policy be implemented, once approved by the Faculty Senate?

The KU OA policy clearly will change the landscape of how KU faculty interact with the scholarly publishing system and access to that scholarship. As such, the policy will be implemented over the course of the 2009-2010 academic year. The Provost or Provost's designate will create an implementation team to oversee staffing, workflows, education and support services, and issues of a legal, technological, and compliance nature. More tangibly, submission web forms and protocols will be developed, tested, and presented to the KU community; OA classes will be developed and offered; and broad faculty participation will become the norm. By the initiation of the 2010-2011 academic year, participation will be widespread among KU faculty.

Where will open access items be stored and managed?

KU has the advantage of already having a dynamic institutional repository in place, in the form of KU ScholarWorks. This platform allows KU to serve its open access documents globally, and is "visible" to major search engines, such as Google Scholar. KU ScholarWorks operations are handled by KU Scholar Services, with oversight by an advisory board including faculty from a range of disciplines and administrative functional areas of the campus.

How much work will participating in the KU OA policy be?

The subcommittee was very concerned that participation in the KU OA policy not end up being a burden for KU faculty. As a consequence, a simple and straightforward procedure is envisioned, likely in the form of a “one-stop-shop” web page, which will have a KU online access sign-in for security, and would allow faculty to provide bibliographic information, and either to upload articles for serving via KU ScholarWorks or to “opt out” of participation by requesting a waiver. In all cases, the faculty member will provide basic bibliographic information (authors, title, journal, abstract, etc.), and key words. Overall, the subcommittee estimates that OA submission process (i.e., filling out the web-based form) will take less than 10 minutes per article published.

What is the time frame for fulfilling the requirements of the KU OA policy?

Faculty will have 30 days from the date of article publication in which either to submit a paper for OA serving via KU ScholarWorks or to “opt out” (see below). If required by journal policies, the possibility of an “embargo” (i.e., time delay in actual OA availability) will be considered for inclusion.

How will participation in the KU OA policy be assured?

Participation will be encouraged via a series of interactions with department chairs, and potentially with the departments and their faculties themselves. In collaboration with the Provost’s designate, departments will be expected to report each year the number of scholarly journal articles published by their faculty, and what percentage of OA policy participation was achieved (as noted above, “participation” includes both full submission and waivers to opt-out). It should be noted that some extreme forms of listing of authors do not constitute direct and substantial intellectual contribution, and are thus not necessarily “counted” as publications of a given KU faculty member.

How can KU faculty “opt out” of participation?

It is understood that some small percentage of publishers *will not* accept OA addenda, and that other circumstances might occur periodically that would make the submission of copyright addenda inadvisable or impractical. In these cases, the KU faculty will be able to opt out on the OA submission page. It is important to note that opting out is in itself a form of participation in the KU OA policy. KU faculty members who do not wish to participate in the OA policy for more fundamental reasons can “opt out” on a yearly basis.

Which KU entities are responsible for collecting and serving of OA-licensed works?

The Provost’s designate will provide this key set of services to assist faculty in complying with the OA policy. In particular, the Provost’s designate, with an implementation team, upon policy passage, will be tasked with (1) providing information and guidelines to assist KU faculty regarding copyright agreements with publishers and copyright, (2) developing a simple and central submission process that will allow faculty to submit and describe (i.e., bibliographic metadata) their works to be served in KU ScholarWorks, and (3) assisting personally any faculty encountering problems or complications at any stage in the process.

What are sources of advice and guidance to faculty in interactions with publishers?

The subcommittee’s interactions with faculty in the open meetings and the online survey indicate that a key to success of a KU OA policy will be extensive and effective assistance to faculty in how to manage the copyright arrangements necessary for an otherwise non-OA publication to be made OA. The Provost’s designate, with General Counsel’s guidance, will develop information and consultancy services to advise and guide faculty as needed.

How will the KU OA policy take into consideration the diverse needs of the entire KU faculty, and in particular of junior and untenured faculty?

The subcommittee was particularly sensitive to this dimension of its charge—that is, every effort was made to reach out into the far corners of the KU academic community for advice. Interestingly, the subcommittee found considerable consensus regarding the most important issues: what is the definition of “non-exclusive license,” how will KU faculty negotiate OA permissions, and how much work will it be to submit articles for serving on KU ScholarWorks.

The only detail that appeared somewhat discipline-specific was the expression of enthusiasm on the part of several survey participants about OA, in the sense that it may promote the ability of KU faculty to *publish* their research results, instead of keeping them unpublished in the hopes of obtaining patents—these questions, which may be most specific to engineers and others who have the possibility of patenting research results, should probably be the subject of subsequent inquiry as to how OA considerations and patent considerations could best interact.

More generally, though, it is expected that journals in different fields of inquiry vary in the degree to which they will accept or resist OA addenda—some fields are already mostly OA, whereas others continue to resist the idea. The SHERPA/RoMEO site provides a useful summary of individual publisher or journal policies on OA, available at <http://www.sherpa.ac.uk/romeo/>.

The KU survey revealed relatively little concern on the part of KU faculty regarding OA effects on tenure and other aspects of credit—34% of all respondents indicated that these considerations were “not important;” indeed, of untenured faculty respondents, only 17.4% counted these considerations as “very important.” Rather, many junior faculty have expressed the opinion that open access to their journal publications will be a positive point in establishing their respective programs as KU faculty.

Literature Cited

Antelman, K. 2004. Do open access articles have a greater research impact? *College & Research Libraries News* 65:372-382.

Harnad, S., and T. Brody. 2004. Comparing the impact of open access (OA) vs. non-OA articles in the same journals. *D-Lib Magazine* 10.

Harnad, S., T. Brody, F. Vallieres, L. Carr, S. Hitchcock, Y. Gingras, C. Oppenheim, C. Hajjem, and E. R. Hilf. 2008. The access/impact problem and the green and gold roads to open access: An update. *Serials Review* 34:36-40.

Johnson, R. K. 2002. Institutional repositories: Partnering with faculty to enhance scholarly communication. *D-Lib Magazine* 8.