

## **HARNAD Response to [HEFCE REF OA Policy Consultation](#)**

### ***Executive Summary:***

- I. The HEFCE proposal to mandate immediate repository deposit of articles as a condition for eligibility for REF is excellent. If adopted and effectively implemented, it will serve as a model for OA mandates worldwide. It will also reinforce and complement the RCUK OA mandates, providing it with a uniform compliance monitoring and verification mechanism.
- II. The immediate-deposit mandate should apply to the refereed, accepted version of peer-reviewed research articles (or refereed conference articles).
- III. The deposit should be in the author's institutional repository, immediately upon acceptance for publication. Acceptance date is determinate; publication date is variable and indeterminate and may lag acceptance by as much as two years.
- IV. Access to the deposit should be immediately OA where possible, or, where deemed necessary, it can be made Closed Access if the publisher requires an OA embargo.
- V. Repositories should implement the eprint request Button that allows individual users to request – and others to provide – one copy for research purposes with one click each.
- VI. Once any allowable embargo period elapses, OA deposits can be accessed, read, searched, linked, downloaded, printed out, stored, and locally data-mined by individual users, as well as harvested and indexed for Boolean search by harvesters like Google. This makes license policy less urgent. Further re-use rights will come when OA mandates have made OA universal.
- VII. What is crucial is that the deposit should be made *at time of acceptance, time-stamped as such, with a copy of the acceptance letter to serve as the date marker*.
- VIII. Unlike articles, monographs are not all author give-aways, published solely for research impact rather than royalty outcome; and researchers need to have exclusive first data-mining rights on the data they collect. So monograph and data deposit should only be recommended for the time being, not mandatory; access to the deposits can be set as Closed Access.
- IX. The start date for 2020 REF eligibility should be immediately after the 2014 REF, not two years afterward.
- X. The target should be 100% compliance. Exceptions can be dealt with on a case by case basis: It would be a great mistake to stipulate a percentage compliance figure instead.

**Question 1: Do you agree that the criteria for open access are appropriate (subject to clarification on whether accessibility should follow immediately on acceptance or on publication)?**

YES

- 1.1 The HEFCE REF OA Policy should apply to the refereed, accepted version of peer-reviewed research articles or refereed conference articles.
- 1.2 It should be deposited in the author's HEI repository, immediately upon acceptance for publication.
- 1.3 Access to the deposit should be immediately Open Access where possible, or, where deemed necessary, it can be made Closed Access if the publisher requires an OA embargo.
- 1.4 The crucial thing is that the deposit should be made *at time of acceptance, time-stamped as such, with a copy of the acceptance letter to serve as the date marker*.

The proposal is excellent. And if adopted and effectively implemented, it will serve as a model for OA policies worldwide.

**Question 2a: Do you agree with the role outlined for institutional repositories, subject to further work on technical feasibility?**

YES

Fortunately, most UK HEI institutions already have institutional repositories (IRs) that are already configured, or readily configurable, to be compliant with HEFCE's proposed policy for REF. They also already have a date of deposit tag. The dated acceptance letter can be uploaded as a supplementary document. The full text can be uploaded with access set as either Open Access or Closed Access (during an embargo, in which case the repositories also have a facilitated *eprint request Button* that can tide over the usage needs of UK and worldwide researchers for the deposited research during the allowable embargo).

Many HEIs are already use their IRs for submission to REF. The only change required by the HEFCE policy will be to require the deposit to be made immediately upon acceptance, rather than in batch, at the end of the year, or the end of the REF cycle. But this is the crucial core of the policy (and what will also make it an effective compliance mechanism for the RCUK Mandate as well).

The IR software is also easily configurable so researchers can keep updating their REF choices as they publish further articles, substituting a later one for an earlier one, if they judge it more suitable for REF. What is brilliant about the HEFCE proposal is that it ensures that all potentially suitable articles are deposited immediately, in order to ensure that they are eligible, even if they might later be superseded by a more suitable article.

**Question 2b: Should the criteria require outputs to be made accessible through institutional repositories at the point of acceptance or the point of publication?**

*Deposit should definitely be required at point of acceptance rather than at point of publication*, for the following reasons:

1. The point of acceptance has a definite date, with the editor's dated letter of acceptance serving as the time marker.
2. The point of acceptance is also the natural point in the author's workflow to do the deposit, again marked by a clear, unambiguous, dated event: the letter of acceptance for publication.
3. The date of publication is extremely vague and uncertain for journals.
4. The author does not know, at point of acceptance, when the article will be published.
5. The publication date of the article often has no calendar date.
6. The publication date usually does not correspond to the date at which an article actually appears: the article may appear earlier than the publication date, but more often it appears later, sometime very much later.
7. The author often only finds out the date of publication after the fact – sometimes long after the fact.
8. All these possibilities are vague and uncertain, and the span of uncertainty can be from several months to two years or even more, which is even longer than most publishers' OA embargo length.
9. Hence publication date is no basis for reliably and systematically complying with a HEFCE immediate-deposit requirement by the author, nor for monitoring and ensuring fulfilment by the author's HEI or by HEFCE.
10. A further advantage of the acceptance date is that it is earlier, and hence allows more and earlier access and usage of the funded research.

IR deposit, at point of acceptance, is a simple, clear, natural, readily implementable and verifiable procedure for the author, the HEI and HEFCE, as well as an excellent compliance verification mechanism for the RCUK OA mandate. It is also an optimal model for the rest of the research world to adopt globally. With it, HEFCE will be performing a great service not only for UK and worldwide access to UK research output, but also for UK access to the rest of the world's research output, with an exemplary policy, suited for use by all.

**Question 3a: Do you agree that the proposed embargo periods should apply by REF main panel?**

**NEUTRAL**

The length of the embargo is far less important than the requirement to deposit in the author's institutional repository, and to deposit immediately upon acceptance.

Embargoes should be as short as possible, but they can, if desired, be allowed to vary by discipline. The IRs have the facilitated *eprint request Button* to help tide over

the usage needs of UK and worldwide researchers for the deposited research during the allowable embargo.

**Question 3b: Do you agree with the proposed requirements for appropriate licences?**

NO

It is not clear from the documentation what these license/re-use requirements will be. I strongly urge not get bogged down in them. We are talking here about UK research output. Once it is deposited and any embargo elapses, deposits will be OA and hence can be searched, linked, downloaded, printed, stored and text-mined by individual researchers and research groups. They will also be harvested and full-text inverted for Boolean search by Google and other harvesters. *All of this comes with the territory in making them Open Access, and does not require any further license.*

What would require further license permissions would be the right for databases to harvest, data-mine and republish the texts. Do not get bogged down in this now, if it creates any obstacles. We are only talking about UK research output: 6% of worldwide research output. If the rest of the world adopts the HEFCE immediate-deposit requirement too, OA will become 100% globally, and all re-use rights authors wish to provide and users need will follow soon after. But it would be a needless risk to let licensing requirements hold back adoption or compliance of the HEFCE OA policy at this point. And there are discipline differences here too, potentially even bigger ones than differences in embargo length.

Go easy on licensing: It will all come after the HEFCE policy succeeds and is adopted worldwide. Don't let licenses and re-use rights become a sticking point even before the HEFCE mandate is adopted. Access is infinitely more urgent than re-use/license needs; access needs are universal across disciplines; re-use/license needs are not. And access is a prerequisite for re-use rights, not vice versa. First things first.

Be flexible and pragmatic on licensing. Immediate IR deposit is the crucial thing.

**Question 4: Do you agree that the criteria for open access should apply only to journal articles and conference proceedings for the post-2014 REF?**

YES

Refereed journal articles and refereed conference articles have from its inception been the primary targets of the worldwide Open Access movement, because they are the only form of research output that is, without exception, author giveaway content, written only for research uptake and impact, not for royalty revenue.

It is for this reason that all authors of articles will readily comply with an OA mandate: They all want their findings to be accessible to all their potential users worldwide, not just to those at institutions that can afford subscription access to the journal in which it happens to be published.

For researchers, loss of access to their work means loss of uptake, usage, applications and impact for their work. And the progress and funding of their research, as well as their careers, depend on the uptake, usage, applications and impact of their work.

**Books.** But all of this becomes much more complicated and exception-ridden when we move to monographs and books. Some books may fall in the same motivational framework, but many are written in hope of royalty income, so authors are not eager to give them away free for all. Also the economics of book publication entail a much bigger investment in each book by the publisher, who would likewise be reluctant to make the investment if the book was made available as an online give-away.

But there is a simple solution for books: *Don't require them to be deposited, just recommend it.* And authors have the option of depositing books as Closed Access rather than Open Access, with no limit on how long they can embargo OA. (Meanwhile, if they wish, they can provide individual copies via the Button as and when they choose.)

**Data.** Data are complicated in another way. The problem is not potential royalties but *first-exploitation* rights. Researchers are not just data-gatherers. They gather data because they want to do something with it. To analyze and process it. They must be given a fair allotment of time to do this. Otherwise, if they must make their data open to all immediately, so anyone can analyze it, then they may as well not bother gathering it at all, and simply wait to analyze the data that *others* have taken the time and trouble to gather – and were then obliged to make open immediately.

The moral is that if article embargo lengths and licensing needs vary from discipline to discipline, then the fair length of the period of exclusive first-exploitation rights for data varies even more, not just from discipline to discipline, but from research project to research project.

And again the solution is to encourage (but not require) depositing the data and making it open as soon as possible. But no fixed embargo lengths.

A successful HEFCE immediate-deposit policy for refereed journal and conference articles will be an enormous positive contribution, and more than enough as a first step. All the rest (re-use rights, the gradual disappearance of article OA embargoes, and the extension of OA to other kinds of content) will follow as a natural matter of course. It should not be allowed to complicate what is otherwise an extremely timely and powerful means of making UK research articles OA.

**Question 5: Do you agree that a notice period of two years from the date of the policy announcement is appropriate to allow for the publication cycle of journal articles and conference proceedings?**

NO

I think two years is needlessly and unjustifiably long.

We are still now in the phase of REF 2014. As soon as that ends, researchers and HEIs begin to prepare for REF 2020.

There is no reason at all why immediate-deposit upon acceptance for articles accepted for publication starting 2014 should not begin in 2014 rather than in 2016, as a condition for REF 2020 eligibility.

Not even those HEIs that don't yet have IRs should be exceptions: Their authors can start depositing at once in OpenDepot, the UK back-up repository designed for that purpose.

That said, there is no reason why HEFCE cannot show some flexibility in the first two years, for inadvertent failures to comply immediately. But this potential flexibility should not be publicized, for it will only encourage lax compliance during the two designated years.

**Question 6: Do you agree that criteria for open access should apply only to those outputs listing a UK HEI in the output's 'address' field for the post-2014 REF?**

NO

Every UK researcher who is submitting an article for REF should have to deposit it in their IR immediately upon acceptance (except if they came to the institution after the acceptance date).

Better to be as inclusive as possible and handle would-be exceptions on a case by case basis rather than declare explicit exceptions.

**Question 7: Which approach to allowing exceptions is preferable?**

I support Option a: full compliance; exceptions considered on case by case basis, first by the HEI, and if not resolved, by the REF panel.

*There will be no basis for objections by publishers to immediate-deposit in Closed Access.* The embargo length for Open Access is less important (because of the Button) and will not (and should not) constrain authors' choice of journals).

External collaborators will certainly not object to Closed Access immediate-deposit, and are very unlikely to object to OA either – and certainly not post-embargo OA.

Percentage compliance criteria would be a very bad idea, and would virtually be inviting institutions not to strive for 100%. Case-by-case handling is an infinitely better way to exercise flexibility.