

Harnad Comments on Canada's NSERC/SSHRC/CIHR Draft Tri-Agency Open Access Policy

Executive Summary:

The Draft Canadian Draft Tri-Agency Open Access Policy is excellent in preserving fundees' free choice of journal, and a free choice about whether or not to use the research funds to pay to publish in an OA journal. However, *deposit in the fundee's institutional repository immediately upon acceptance for publication* needs to be required, whether or not the fundee chooses to publish in an OA journal and whether or not access to the deposit is embargoed for 12 months. This makes it possible for the fundee's institution to monitor and ensure timely compliance with the funder OA policy and it also facilitates providing individual eprints by the fundee to individual eprint requestors for research purposes during any embargo. Institutional repository deposits can then be automatically exported to any institutional-external repositories the fundee, funding agency or institution wishes. *On no account should compliance with funding agency conditions be left to the publisher rather than the fundee and the fundee's institution.*

"Grant recipients are required to ensure that any peer-reviewed journal publications arising from Agency-supported research are freely accessible within 12 months of publication, either through the publisher's website (Option #1) or an online repository (Option #2)."

Monitoring and Ensuring Compliance. A funding agency Open Access (AO) Policy is binding on the *fundee*, not on other parties. Hence it is a mistake to offer fundees the option either to comply or to leave it to another party (the publisher) to comply.

Funder Requirements Bind Fundees, Not Publishers. The fulfillment of funding agency conditions for receiving a grant is the responsibility of the fundee, and the funding agency needs a systematic and reliable means of monitoring and ensuring that the fundee has indeed complied, and complied in time.

Institutional Monitoring of Compliance. To ensure compliance

(and timely compliance) with an AO requirement it is imperative that the responsibility rest fully with the fundee. The funding agency's natural ally in ensuring compliance is the *institution of the fundee*, which is already very much involved and shares a strong interest with both the fundee and the funding agency in ensuring the fulfillment of all funding agency conditions.

Immediate Institutional Repository Deposit. Hence *whether or not* the fundee publishes with a publisher that makes the article OA immediately, or after an embargo, the fundee should be required to deposit the final, peer-reviewed draft in the fundee's institutional repository *immediately upon publication*. (Indeed, the most natural, effective and verifiable date is the *date of acceptance*, since the date of publication varies greatly, is often not predictable or known to the fundee, and often diverges from the published calendar date of the journal – if it has a calendar date at all.)

The institution of the fundee can then use the date-stamp of the deposit in the institutional repository and the date of acceptance of the article as the means of monitoring and ensuring timely compliance.

Access Delay and Research Impact Loss. The purpose of OA is to make publicly funded research accessible to all potential users and not just to those whose institutions can afford subscription access to the journal in which it was published. This maximizes research uptake, impact and progress. Hence this is why OA is so important and why access-denial is so damaging to the potential usage and applications of research. Studies have also shown that delayed access never attains the full usage and citations of immediate OA. Hence a mechanism for ensuring timely compliance is essential for the success of an OA Policy, and immediate institutional deposit, regardless of locus of publication, is the optimal mechanism for ensuring timely compliance.

Gentil-Beccot, A., Mele, S., & Brooks, T. C. (2010). Citing and reading behaviours in high-energy physics. *Scientometrics* 84(2), 345-355. <http://www.slac.stanford.edu/pubs/slacpubs/13500/slac-pub-13693.pdf>

Conflict of Interest. It should also be noted that publisher interests are in conflict with the research community's interests regarding OA. Except when they are receiving extra money for it, publisher interest is to embargo and delay OA as long as possible. This means that, far from being a reliable ally in ensuring that fundees comply with a funding agency OA requirement, publishers are likely to delay making articles OA as long as they possibly can

"Option #1: Grant recipients submit their manuscript to a journal

that offers immediate open access to published articles, or offers open access to published articles within 12 months."

Fundee Freedom to Choose Journal. It is very good to leave the fundee's choice of journal completely free to the fundee. But it is also imperative that *no matter what journal the fundee chooses to publish in*, the peer-reviewed final draft should always be deposited in the fundee's institutional repository – and deposited immediately, not after a 12-month delay.

Fulfilling Eprint Requests During Embargoes. Institutional repositories have a Button with which users can request and authors can provide a single electronic reprint for research purposes with one click each. This Button facilitates uptake, access and usage immediately upon deposit, rather than having to wait till the end of a publisher embargo. Hence this "Almost-OA," made possible by the Button, is another strong reason why all papers should be required to be deposited in the institutional repository immediately upon acceptance for publication.

Sale, A., Couture, M., Rodrigues, E., Carr, L. and Harnad, S. (2012) Open Access Mandates and the "Fair Dealing" Button. In: *Dynamic Fair Dealing: Creating Canadian Culture Online* (Rosemary J. Coombe & Darren Wershler, Eds.) <http://eprints.ecs.soton.ac.uk/18511/>

"The Agencies consider the cost of publishing in open access journals to be an eligible expense under the Use of Grant Funds."

Fundee Freedom to Choose Whether to Pay for OA. It is very good to leave it entirely up to fundees to choose whether or not to use their grant funds to pay publishers extra to make their work OA. As long as fundees retain their free choice of which journal to publish in, and all are required to deposit in their institutional repository immediately upon acceptance for publication (whether or not the deposit is embargoed, and whether or not they publish in an OA journal) there is no harm in allowing grant funds to be used to pay publishers for making their article OA, *if fundees wish*. (Given the options, and the scarcity of research funds, it is unlikely that many fundees will choose to pay, rather than just deposit.)

"Option #2: Grant recipients archive the final peer-reviewed full-text manuscript in a digital archive where it will be freely accessible within 12 months (e.g., institutional repository or discipline-based repository). It is the responsibility of the grant recipient to determine which publishers allow authors to retain copyright and/or allow authors to archive journal publications in

accordance with funding agency policies.”

Institutional Deposit and Institution-External Export. It is fine to leave it up to authors to sort out whether their final peer-reviewed manuscript is made immediately OA or access to the deposit is embargoed for 12 months – *as long as the deposit is made immediately*, and hence deposit is systematically verifiable and the institutional repository’s eprint-request Button is immediately available to allow users to request individual copies for research purposes. For this reason it is again important to require immediate institutional deposit in all cases. The deposit can be automatically exported by the repository software, at designated dates, to designated institution-external repositories, as the fundee or funder or institution may wish.

Facilitating Verification of Compliance. But it is almost as great a mistake to allow institution-external deposit instead of institutional deposit (making it needlessly diffuse and complicated to systematically monitor and ensure compliance for both the institution and the funder) as it is to allow publisher fulfillment of funding agency requirements instead of fulfillment by the fundee (and the fundee’s institution).

The only change that needs to be made to optimize the NSERC/SSHRC/CIHR Draft Tri-Agency Open Access Policy is to require immediate deposit in the fundee’s institutional repository, regardless of whether the fundee’s chooses option #1 or option #2.

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