Campus OA Policies: Responding to the evolving landscape

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With apologies to biologists for the simplification, punctuated equilibrium theory explains that states of evolution occur through short bursts of activity followed by longer periods of stasis. An alternative theory of evolution is one of gradualism in which changes occur more slowly but consistently over long periods of time.

Applying these evolutionary concepts to publishing processes, we wonder: have there been short bursts of big change in the Open Access movement, followed by slower periods of equilibrium during the past 20+ years? Or will the future reveal that the first several decades of the 21st century were a period of steady, incremental change toward a fully open access scholarly record?

We don’t have the answers to the above questions, but we do know that even since the publication of our 2022 research study about campus and library open access policies, the terrain has changed dramatically. Regardless of whether we’re in a time of explosive evolution or gradual change, we need to stay on top of the changes occurring affecting campus and library OA policies, OA and open research initiatives in general, and scholarly communication more generally with special attention to OA advocates and funders.

A quick note before we proceed: public access is not the same as open access. The two are often conflated, and even researchers are frequently confused about the difference. While some funder policies have evolved over time from requiring public access to requiring open access, some funders continue to require only public access. The significant difference between the two is the application of reuse rights via use of a copyright license providing reuse permissions in the case of open access.

Our initial research was conducted during the 2020-2021 COVID lockdown. Our study investigated academic libraries' commitment, motivation, and support of campus and library-specific OA policies at US research-intensive universities. We looked at whether R1 university libraries were committed to increasing open access (OA) to scholarly outputs, as could be demonstrated by their support of campus level and/or library-specific OA policies. Publication of the ensuing research article in Fall 2022 came not long after the release of the August 2022 OSTP Memo (Nelson Memo). The impact of that memo will be evident over the next few years as federal funding agencies craft their compliance plans and policies. We can speculate on the eventual ramifications and consequences (intentional and otherwise) of the Nelson Memo, but we want to acknowledge that the main driver of change in OA publication has been and continues to be the actions of funders.

Funders were not the sole or primary driver in the evolution of OA publication. The foundational statements advocating for OA – Budapest, Bethesda, and Berlin – were crafted by representatives from multiple stakeholders including researchers, research institutions, academics, librarians, publishers, and funders. The availability of open source and proprietary platforms allowing digital publication and dissemination of research outputs, coupled with the emergence of Creative Commons licenses that reduced copyright restrictions, made
OA publication viable. Nevertheless, not until funders started mandating that certain research outputs resulting from funded research be made openly or publicly available did OA publication become more widely practiced.

The National Institutes of Health issued its first public access policy in 2004. Compliance was voluntary and requested within six months of publication. In April 2008 the NIH's first public access policy requiring “that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication” went into effect.

The Wellcome Trust was one of the (if not the) first non-governmental research funder to introduce a mandatory OA policy in 2005. The policy has been revised several times since its inception, but from the start the policy required OA publication (at the outset, within 6 months of publication). Updates to the policy over the years have incorporated the requirement of publishing with a Creative Commons Attribution (CC-BY) license and immediate public access via PMC and Europe PMC. The Howard Hughes Medical Institute (HHMI) – the host of the meeting that led to the creation of the Bethesda Statement on Open Access Publishing in 2003 – adopted its first public access publishing policy in 2007. HHMI released its open access policy in October 2020, requiring that research articles be made openly available under a Creative Commons Attribution License (CC-BY).

The William & Flora Hewlett Foundation’s open access policy applying to open educational resources grants was expanded in 2014 to cover project-based grant outputs as well. The Bill and Melinda Gates Foundation open access policy went into effect January 1, 2015 requiring reports and underlying data to be published under a Creative Commons license, tagged with metadata, and placed in repositories to ensure discoverability. The Ford Foundation announced its open access policy at almost the same time – as of February 1, 2015 project grant recipients were required to make all copyrightable products (e.g., white papers, reports, and websites) available under a CC-BY license.

The ground seemed to shake in September 2018 when cOAlition S, a group of then 11 research organizations, announced the roll-out of Plan S. The aim was to make all scientific works publicly accessible upon publication. The potential impact was significant: the original mandate plans covered about 6% of worldwide research articles at the time. The participants, roll-out, and requirements of Plan S have evolved and compliance timetables delayed based upon researcher, research organization, national research body, publisher, and public feedback. However, the impact has been considerable. Plan S has broadened the conversation about rights retention policies; publisher transparency in APC pricing; the transition of hybrid journals to fully open access models; and the application of the least restrictive CC licenses.

In the US, the terrain shifted in August 2022 when the White House Office of Science and Technology Policy (OSTP) released a memo (commonly referred to as the Nelson Memo) that requires funded researchers provide
immediate public access to research outputs and data upon publication. Per data and analysis from Delta Think, US federally funded research falls somewhere between 6 and 9% of total global scholarly output. The Nelson Memo does not mandate open access, but it does include language prioritizing openness, re-use, and re-use rights. There is also language in the Memo allowing use of public funds to pay for open access publication and data management costs. Specific policies from each federal funding agency will be forthcoming in the next two years, but there could be surprises in store should some agencies require open access through open licensing.

On May 23, 2023, the Council of the European Union member state governments adopted a policy that requires immediate open access to articles resulting from publicly-funded research. The Council Conclusions on “High-quality, transparent, open, trustworthy and equitable scholarly publishing” does not delineate how EU member states are to incorporate this policy into national research programs and laws, but the policy states: “that immediate and unrestricted open access should be the norm in publishing research involving public funds, with transparent pricing commensurate with the publication services and where costs are not covered by individual authors or readers.” EU member state integration plans for this policy are not yet known, but full implementation could impact another significant percentage of publicly funded research outputs. Publisher response thus far has been skeptical of the policy and its successful implementation.

What all this shows is that funders are clearly the stakeholder group most effectively driving change toward increasing open access publication. As Jean-Claude Guédon noted in his preface to the 2019 Future of Scholarly Publishing and Scholarly Communication: Report of the Expert Group to the European Commission, funding charities and agencies are not subject to ranking systems and metrics that motivate individual researchers, research groups, research institutions, and journal publishers. Funders are the only actors capable of initiating change: “Funding agencies, with their access to money and their relative freedom to act, are probably best suited to shape and develop the scholarly publishing landscape of the near future, and their growing commitments to open science are positive signals in this regard.”

So where does this lead us?

In the US, we’re all grappling with the potential impact of the Nelson Memo. Information from US federal funding agencies is starting to be released that provides hints about the soon to change landscape. Of immediate concern is the effect of the Nelson Memo on our existing campus and library OA policies, our IRs, and the evolution of predominant OA publication models. Questions that we’re starting to ask include:

**Will these policy changes require universities to revisit and revise their OA policies?**

There is concern that open and public access policies may require explicit mention of author rights retention in order to deposit acceptable article versions in an institutional or designated repository. For those institutions
with campus OA policies that don’t include rights retention clauses, will revision be necessary? Revisiting an existing campus policy may be a difficult process for which there is little appetite given the lack of financial incentives. We heard many stories of the difficulties encountered during the campus OA policy adoption process from the librarians we spoke to during our research interviews. Determining whether there is the will and opportunity for a successful revision of an existing policy will vary depending upon the current campus climate, strategic priorities, faculty awareness and interest, administration buy-in, and more. The inclusion and reaction to the rights retention language in Plan S may provide a clue to viable pathways. Advocating for funding agencies to include rights retention language may be a more effective solution.

Does the existing university policy include language about compliance and/or which campus unit is responsible for monitoring or maintaining the repository? Will campus research officers – who typically have greater interest than librarians in making sure grantees fulfill reporting and compliance requirements – need to assume a role to ensure strict compliance to specific agency deposit requirements?

Is it time to admit that our institutional repositories are public access and not necessarily open access?

Campus OA policies typically require deposit of the author’s accepted manuscript into our institutional repositories, but few require those manuscripts be released with a copyright license that provides re-use permissions. Technically, that’s not open access. We know that true open access provides a more seamless path to equitable knowledge transfer and scientific progress. Is public access to these research outputs enough? Should the conflation of those two terms matter to anyone other than scholarly communication librarians?

Which repositories will federal agencies designate for depositing text-based research outputs?

Federal granting agency policies will define and designate acceptable repositories for the peer-reviewed scholarly research outputs. Will our institutional repositories be identified as acceptable by all, some, or any agencies? Will agencies instead follow the lead of the NIH and NASA in establishing agency specific repositories (such as PubMed Central, NSF-PAR, and PubSpace)? Will any existing disciplinary repository (such as BioRxiv) be among the designated?

Logistically, will academic libraries have sufficient resources to support compliance?

On an operational level within our libraries, will we be able to pick up the slack if publishers push back on these upcoming funder requirements by reducing their participation in the compliance process? Previously, many publishers provided free services to authors such as depositing accepted article manuscripts into PubMed Central. Some publishers are already changing those policies in anticipation of losing the previous 12-month delay between publication and PMC deposit. There is already speculation that publishers may start charging for that service.

What else should we be worried about?
In addition to considering the impact of the 2022 OSTP Memo and other funder policy changes, there are other possible events or trends that impact campus and library OA policy support and success. The recent Ithaka S+R US Library Survey 2022, (released in March 2023) pointed out one such potential area of concern. The survey, conducted every 3 years, collects feedback from library deans and directors to track emerging challenges and opportunities facing academic libraries. The 2022 survey noted changes in the top or high priority statements in the last three cycles of the survey (since 2016). The areas of lessened importance to library directors include providing an institutional repository and enabling faculty members to make their research outputs freely available. Our study did not seek responses from library directors but rather from the librarians or library staff members who were most knowledgeable about or responsible for their campus OA policy support. Would that stakeholder group share the library directors’ lessened prioritization of IRs?

There is also reason for concern about the motives that underlie some related policies. Other federal policies – specifically the National Security Presidential Memo (NSPM-33) released in January 2021 – support open scientific exchange, though the primary focus of such policies is maintaining American innovation, scientific and technology leadership, economic competitiveness, and national security. Within academia, libraries, and the broader research community, are we comfortable with the idea of open access becoming a by-product instead of a primary objective? When we reach out to campus researchers with information about the changes that will result from the Nelson Memo and NSPM-33, should we also share details about the other aims of these policies, namely protecting against foreign competition and monitoring foreign influence? Other academics, such as Dave Ghamandi, have examined this issue more clearly and thoroughly, applying a socio-economic, anti-imperialist, lens to the expected outcomes of compliance with the Memo. There is also interesting commentary by Jefferson Pooley, and Samuel Moore examining how the policies resulting from the Nelson Memo will further entrench APCs as the dominant model for open access publication.

Whether or not the last 20+ years have been a period of gradual change or active bursts followed by periods of stasis may not be as important as acknowledging that now we are entering a period of rapid change, possibilities, and challenges. For many years we have watched commercial publishers co-opt the author pays OA publication model first developed by academics and nonprofit publishers. What once was viewed as a publication model that would help lessen the dominance of large commercial publishers has evolved into an ever-growing revenue stream that further entrenches the position of those publishers. Moving forward, the momentum generated from funder policies needs to be parlayed in ways that prioritize societal benefits over the monetary interests of for-profit entities. We need to moderate the effects of funder policies in a way that allows multiple paths to public and open access publication.

— Ellen and Paula
Footnotes

1. A quick note on why “text-based” outputs specifically: Almost every campus OA policy only covers peer reviewed scholarly articles, not data or any other type of research output. The OSTP Memo requires public access to not just peer-reviewed manuscripts but also peer-reviewed book chapters (not full monographs), editorials, and peer-reviewed conference proceedings. Research data deposit is also required by the OSTP Memo, but research data is rarely deposited into traditional institutional repositories — for a variety of reasons data is deposited into repositories better suited for large datasets or designed specifically for certain disciplines or data formats.