

Open Access

UCU campaign briefing

November 2013

**RESPONSES TO
THE RECENT UCU
SURVEY OF 1,600
ACADEMIC STAFF**

'I am funded by taxpayer's money. I refuse to publish anything which isn't available to tax payers.'

'I am relieved to see that 'green access' will be accepted. It was clear that 'gold access' could have disastrous consequences, due to the lack in funding for open access charges.'

'I am hugely worried about the gold route and the fact that this would pretty much exclude me, as a junior fellow with a fixed-term contract from getting anything published. For why should my faculty pay for me, when my outputs may not yet be at three star level and, even if they were, if I might no longer be around for the next REF?'

'I am very much in favour of open access publishing and my work being available to a wide audience. However, these proposals gloss over a number of key issues to do with non-UK publication and the funding of publication.'

'If HEFCE wishes to have only open access articles for the next REF, then HEFCE should provide the funds to all researchers to pay for true open access publications'

'As an interdisciplinary scholar I foresee problems concerning different criteria between different disciplinary groupings.'

'I am concerned that this will raise difficulties for early career researchers (who already face many problems), by placing ever more requirements on their research for it to 'count'. They may be last in line for funding to cover publishing fees, suffer if their institution doesn't have a good repository, or not be given appropriate advice on how to negotiate the new requirements.'

'I am concerned about the impact on small academic societies, which often rely on membership (which includes a copy of the society's journal) for income. In principle, I would welcome open access but do not know how it can be achieved without the current system of academic publishing (with peer review etc).'

'Some research will not get published at all because the appropriate journal(s) may not allow what is demanded. Some small specialist journals will be forced to close because they will not be able to get subscriptions if their content is available elsewhere. In many research areas, authors cannot afford the high open access fees for all their research and, again, research will not be published as a result.'

The Higher Education Funding Council recently closed its consultation on how it proposes to implement open access after the 2014 REF.

UCU responded to this consultation having conducted a survey of 1,600 academic staff between 7 and 23 October.

In this campaign briefing note, we report on the results of that survey and the main points that we made to the Funding Council. We also lay out UCU's position on open access in relation to wider questions about the UK's research infrastructure.

UCU AND OPEN ACCESS

UCU as a union supports moves toward open access, Our Congress in 2013 and our survey affirmed this position and our survey showed that members agree. More than 77% of respondents said they were generally supportive of moves toward greater open access.

However, the union has been consistently critical of the government's support for the recommendations of the Finch report, which were to move rapidly toward 'gold' open access. Our Congress called on the union to campaign to ensure that 'pay to say' article processing charges would form no part of any open access regime.

Alongside many other academic bodies, UCU lobbied against the imposition of 'gold' access and we welcomed HEFCE's consultation document on its proposals to move toward open access on a 'green model'. Under the green model, publications could be considered open access if they are submitted to a repository in post-peer reviewed, pre-publication form. This would require academic staff to pay no article processing charges.

However, many issues remain with the implementation of HEFCE's proposals. In addition, UCU believes that the consultation raises wider issues about the ability of our research infrastructure to deliver on open access.

HEFCE'S PROPOSALS FOR IMPLEMENTING OPEN ACCESS THROUGH THE REF

HEFCE proposed that all research submitted to the REF 2020 should meet the following open access criteria:

- It should be accessible through a UK HEI repository, immediately upon either acceptance or publication although the repository may provide access in a way that respects agreed embargo periods.
- It should be made available as the final peer-reviewed text, though not necessarily identical to the publisher's edited and formatted version
- It should be presented in a form allowing the reader to search for and re-use content (including by download and for text-mining), both manually and using automated tools, provided such re-use is subject to proper attribution under appropriate licensing.

UCU'S RESPONSE

We broadly agree that these criteria are appropriate but we urged the funding council to reflect on the implications of position for creative writers and those working with images operating in areas where copyright is a greater issue.

A minority of respondents opposed the proposed criteria, some from a strong position of prioritising academic authority and intellectual property, some on the grounds that they were not clear about the ramifications. Others questioned whether HEI repositories were the most effective way to deliver open access.

ISSUES OF COPYRIGHT

Respondents who worked in creative writing or who use images pointed out that they operate in fields where copyright is a big issue and felt that HEFCE's criteria did not reflect the reality of their position.

'This does not take into account creative writing outputs as research and the need for the writer and publisher to protect their rights.'

'Open access simply doesn't work for research output such as novels, theatre scripts etc. The embargo period might well have to be permanent!'

'Much of my image based work is copyrighted and part of my ongoing practice. This work should not be freely available as it is both part of my research but also my business.'

TEXT MINING WITH AUTOMATED TOOLS

Support was also significantly stronger for the first two criteria than for the third. While around 70% of respondents supported the requirements to make outputs accessible through HEI repositories in the form of final peer-reviewed texts, only 48% of respondents supported the proposals to present outputs in a form that allowed for text mining using automated tools. Typical comments expressed reservations about the decontextualised mining of data and text, as well as the potential for for-profit end-uses that failed to recognise the origins of data, text or findings.

'I don't support anything that would allow thoughtless mining of papers; that would be an abuse of knowledge, not a promotion of it. The automated tools part should be dropped as a requirement'.

'I am not sure how re-use fits with plagiarism rules. I am also uncomfortable about possibilities for commercial companies to make use of research outputs without appropriate recompense'

EMBARGO PERIODS

HEFCE's consultation document proposed that the appropriate embargo period for any given publication should be determined for different subjects according to which REF main panel they are in and the embargo periods established by that REF main panel's appropriate research council.

UCU broadly agreed with this proposal as the best option on offer, though we raised concerns about how this would work in practice. This reflected the concerns raised by a significant number of respondents to our survey. For example, although 49% of respondents agreed with the proposed embargo periods, a significant minority disagreed 31% and there was widespread unease both at the possible effects of this policy.

Many respondents argued that all open access work should be equally open and that different embargo periods make no sense.

Others questioned whether the combination of research councils and REF main panels was an appropriate mechanism for determining embargo times.

'REF panels are not appropriate decision-making bodies for the following categories of research and their associated publications: interdisciplinary research; research in professional disciplines (eg archives and records management); publications produced by societies which may be interdisciplinary and may offer their journal as a membership benefit (and are therefore dependent on its exclusivity for their continued existence). REF panels may also not be adequately informed about copyright issues which might impact upon some disciplines (eg art)'

'The research councils are not the appropriate bodies to make such a decision. They might be appropriate bodies to help organise a decision by a suitable group but I would want to see involvement by a wide range of stakeholders (without too much bureaucracy)'

Many others identified the potential negative effects of varying embargo periods for interdisciplinary work:

'An embargo period per subject or panel will be impossible to maintain in the face of different publishers' rules and the different nature of disciplines clumped together within Units of Assessment (e.g., neuroscience, psychiatry, clinical psychology, experimental psychology...'

'Allowing individual research councils to set embargo periods will mean that only work published in the journals the research council considers relevant will be submissible. This will prevent cross-disciplinary work and marginalise further non-standard research.'

'As an interdisciplinary researcher I am already at a disadvantage through the REF panel system, and how can different outputs be embargoed for different periods in this way?'

Again, the issue of the UK being out of step with prestigious international journals was raised:

'Embargo periods are tied to outlet (journal etc) not discipline (REF main panel). Trying to tie them to discipline means that two researchers in different disciplines, publishing in the same journal, might be subject to different embargo periods which is illogical.'

OUTPUT CRITERIA

The funding council also proposed that the requirement to comply with the open access criteria in the post-2014 REF should apply only to the following outputs

- the output is a journal article or conference proceeding
- the output is published after a two year notice period (from 2016 onwards)
- the output lists a UK HEI in the 'address' field.

UCU agreed that the requirement to fulfil HEFCE's definition of open access should be restricted for the time being to journal articles and conference proceedings, though we urged the council to be more exact in defining what constitutes a conference proceeding and that the position of chapters in edited collections, which form an important part of publishing in humanities and social science publishing in particular was further clarified.

However, we did not agree with the proposal that an output should list a UK HEI in the address field. Our view, and that of many respondents to our survey, was that as currently formulated this did not recognise the effects of endemic casualisation among early careers research active staff in particular. So fluid are the contractual positions of many thousands of staff in our sector that many early careers scholars may not be in a position to list a UK HEI's address field for work that will be vital for them to build a career. Equally, it's unclear what the impact of these proposals would be on those who move internationally to conduct research in the UK between REF cycles. UCU recommended that HEFCE adopt a less rigid way of determining the eligibility of work for the REF.

'These requirements must be properly funded and take into account the precarious position of fixed-term contract researchers, PG researchers, independent scholars etc.'

'There are problems with 'conference proceedings' (which are actually books in my discipline) and with the situation of early-career researchers who often don't have a UK HEI at the time of publication but might at the time of REF.'

'Exemptions should be made on the HEI address field for early career staff.'

'The final criterion of having to list a UK HEI is discriminatory to independent researchers. This is wrong.'

'If I am understanding this correctly, it might mean that papers published when researchers are unemployed (between fixed term contracts) may not be counted if they are unable to use their last employers' address.'

'I do not agree with the 'the output lists a UK HEI in the 'address' field' what about if an academic moved from abroad to the UK before 2020?'

UCU AND THE PUBLISHING INDUSTRY

Many respondents identified the problems posed to the objectives of open access by the academic publishing industry. UCU's survey revealed that academic staff overwhelmingly support moves toward open access but there is widespread hostility to the position that academic publishers continue to play in determining actual access.

The single biggest obstacle to moves toward open access identified by survey respondents was the academic publishing industry.

71% of respondents said that they would consider pressuring journals in their fields to migrate away from publishers who insist on long embargo periods.

'Why should HEFCE follow the RCUK embargo periods? Yes, they should be different for different subjects, but the RCUK embargo periods were fixed on by a process of horse-trading with the publishers, not by means of rational argument and evidence, and they are already under review.'

'Embargo periods depend on the publisher and not only on the discipline. This could result in us being effectively banned from publishing in the best journals in our field.'

'Embargoes benefit publishers but hurt the rest of humanity. Research should be freely available to all as soon as possible.'

'I don't see any reason why publishers should continue to call the shots by imposing embargos. Universities could potentially publish and arrange peer review for their own research via repositories.'

'Universities have to agree to stand strong when publishers refuse these embargo periods – and academics need to know more about the real charges for subscriptions.'

'The main concern is that publishers simply raise their embargo limits to force 'gold' payment. Already many of the most prestigious journals in my (arts and humanities) field require embargoes longer than the AHRC-specified 24 months. There's nothing to stop other journals also lengthening their embargoes and forcing authors back to the APC gold model. The danger is that an open access REF effectively mandates where authors can publish in ways which might contradict other imperatives – eg an individual's probation/promotion criteria might encourage publication in prestigious journals which are not REF compliant, creating tensions in publishing strategy.'

'I really think there needs to be as much force as possible at this point (on the part of UCU) in trying to reduce embargo periods, and loosen the grip on influence that publishers currently hold in these negotiations.'

LICENSING In relation to licensing, there was widespread unease among respondents at the possibility for permissive licensing to allow commercial re-use without adequate recompense.

'Licensing should exclude commercial use without separate and explicit consent by the researchers'

'The phrase 'under appropriate licensing' is hopelessly weak and vague: the issue is proper recompense of authors and institutions for commercial re-use.'

**GENERAL
CONCLUSIONS
AND LOOKING
FORWARD**

It is clear from UCU's survey, as from other responses from within the academy, that academics are broadly in favour of open access. The stereotype of people attempting to preserve their ivory towers is lazy, inappropriate and incorrect.

Some academics do have legitimate concerns about intellectual property rights, especially those working in areas where copyright is a major issue such as creative or image based disciplines.

Many more academics are supportive of the 'direction of travel' of policy, but believe that the government has moved with familiar clumsiness to impose an open access research culture onto an infrastructure that is incapable of supporting it, while placing the onus of responsibility on academics to deliver it using crude instruments of behaviour management.

One key problem with the way that the sector is moving toward open access is its entanglement with the Research Excellence Framework. As UCU recently exposed, the REF suffers from a massive crisis of legitimacy among academics. Almost two thirds of academics surveyed by the union said they thought the REF has had a detrimental impact on the sector, and believed it creates unreasonable expectations of research outputs. More than half said they would like to see the REF replaced by an alternative method.

One of the reasons for this crisis of legitimacy is the recognition that the REF has imported perverse imperatives into institutions which encourage 'gaming' and the unfair treatment of staff and which consequently distort the development of research activity. Using the REF as a tool to drive the move toward open access, as well as a way of determining disciplinary embargo periods risks is therefore problematic both for the fair operation of the system and for its legitimacy.

More fundamental however is the problem posed by the academic publishing industry. The monopolistic practices and 35% plus profit margins of companies like Elsevier Reed and others, as well as their use of tax havens are becoming a public and political issue in both the UK and the USA. So too is their role in lobbying to water down moves toward greater open access.¹ The debate about open access is welcome in bringing this under greater public scrutiny. It should be a matter of concern to the academic publishing industry that 71% of those responding to our survey said they would support calls to pressure journals in their field to migrate away from publishers who charge high fees, insist on long embargo periods or refuse to grant access to a full final version of their publications.

UCU's broader policy point is that until the government takes action to support the development of a proper national research infrastructure that supports national-level public access, addresses the market position of academic publishers and which frees research activity from the perverse culture imposed by the REF, genuine open access will remain an aspiration rather than a reality.

¹ See, for example: www.theguardian.com/commentisfree/2011/aug/29/academic-publishers-murdoch-socialist; <http://www.timeshighereducation.co.uk/421672.article>; www.economist.com/node/21552574