

Open Access and the Institutional Repository

Over the past year, the University of Rhode Island (URI) has taken some steps towards shifting the default to Open Access for both faculty scholarship and student work. First and foremost, in March 2013, the URI Faculty Senate passed a Harvard-style Open Access mandate. And in February 2013, the Library and the Graduate School began making electronic dissertations and theses openly available through URI's institutional repository. In this presentation, we will define Open Access policies and discuss why they are important. We will give an overview of our experiences with Open Access advocacy, implementation of policies, and next steps.

Background

In 2005, URI implemented its institutional repository, DigitalCommons@URI, as part of a grant to the HELIN Consortium. From 2005 to March 2012, DigitalCommons@URI did not have a dedicated administrator, and grew on an ad hoc basis. Some collections gradually developed, such as: Senior Honors Projects, digitized materials from Special Collections, Library reports and Library faculty articles, and one scholarly journal. There were very few published scholarly articles, and the “theses and dissertations” citations merely linked to these items in ProQuest.



In March 2012, URI hired a Digital Initiatives Librarian to manage DigitalCommons@URI. There was now a concerted effort to populate the repository with published journal articles by URI Faculty—in most cases, providing Open Access to material that had been accessible only to journal subscribers. Over the past 10 months, we have added 225 journal articles into 26 new series, and have established a streamlined process for obtaining permissions and uploading to the repository. But there are significant barriers to archiving previously published journal articles. The Library first needs to obtain author permission, journal permission, and access to the required version of the article

(publisher's PDF or author manuscript). Tracking all of this work presents an additional layer of complexity. Taking these complications into consideration, we knew we needed a more efficient approach towards archiving URI faculty scholarship in DigitalCommons@URI.

Prior to this year, URI had made some first efforts towards promoting Open Access. In January 2008, the URI Faculty Senate passed a resolution opposing inflationary journal pricing and favoring faculty deposit in DigitalCommons@URI. Then, in the spring of 2012, the Library approached the Provost about creating a fund to cover article processing charges for Open Access journals. Unfortunately, that effort never got off the ground.

Around September 2012, the stars began to align in URI's favor, and several circumstances increased our chances of passing a Harvard-style Open Access mandate—a policy that would require faculty members to deposit their author manuscripts of published journal articles in DigitalCommons@URI. A librarian was elected as Chair of the Faculty Senate, and pledged to make Open Access one of his key agenda items for the year. He formed the Ad Hoc Committee on Open Access, with Professor Rathemacher as chair, to “look at some of the issues of Open Access in scholarly communication, look at some solutions, and present suggestions as to what approach would best fit URI's needs.” In November 2012, the Committee officially recommended pursuing a Harvard-style Open Access policy.

Why an Open Access Policy?

When discussing an Open Access policy, it is important to be clear about the distinction between so-called “Green OA” and “Gold OA.” Green OA is achieved through repositories: Researchers publish in the journal of their choice and then deposit their final, peer-reviewed manuscript in a disciplinary or institutional repository. Gold Open Access, on the other hand, is achieved through journals: The journals themselves make their published contents freely available to readers under a variety of business models. The green and gold roads to Open Access are complementary; both are important to the transformation of scholarly communication, and both roads rely on journals to perform the important work of peer review.

Permissions-based Open Access policies such as the one recently passed at the University of Rhode Island rely on the green road. In no way does this type of policy require faculty to publish in gold Open Access journals. It is fine to encourage authors to publish in gold Open Access journals, but it would not be good policy to require them to do so at this point in time. There are not yet enough gold Open Access options, and to limit the freedom of authors to publish in the journal of their choice would be a restriction on academic freedom. Thus, when discussing an institutional Open

Access policy, it is important to be clear at all times about the green-gold distinction to avoid misunderstandings and gain support.

With the Open Access Policy of the University, faculty will publish in whatever journal they want — ideally the best journal in which they can get an article accepted — and then they will archive a version of that article in the DigitalCommons@URI repository. The version targeted by the policy is the author’s final manuscript, after all changes resulting from the peer-review process have been made, but before publisher copyediting and typesetting.

As explained earlier, the University Libraries have been uploading author manuscripts to DigitalCommons@URI for some time, which raises the question of why a policy was needed at all. Simply, a policy is needed because of copyright. Once an author signs his or her copyright over to a journal publisher, he or she loses the right to re-use the article, including the right to post a version of the article in an institutional repository. The author and the library are left to rely on publisher policies regarding whether or not articles may be posted; these policies are often restrictive and are subject to change.

The University of Rhode Island’s Open Access Policy, passed by the Faculty Senate on March 21, 2013, is a solution to the copyright problem. This type of policy, known as a permissions-based policy, was pioneered by the faculty of Harvard University’s College of Arts & Sciences in 2008. Since then, over forty similar policies have been passed by faculty at other institutions worldwide¹. Of public institutions of higher education in the United States, however, the University of Rhode Island was only the eighth to pass a university-wide policy of this type.

The heart of the policy reads, “...Each faculty member grants to the University of Rhode Island a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, provided that the articles are not sold, and to authorize others to do the same...” So what does this mean?

Under the policy, authors retain the full copyright in their articles; however, they have granted the university permission to make certain uses of their articles, including making available a version of the articles in DigitalCommons@URI. They have granted the university permission to reproduce, display, and distribute the articles as long as they are not sold, and to authorize others to do the same. Because this permission is “non-exclusive,” authors are still free to transfer their copyrights to journal publishers, though if they do, the university retains all rights granted to it before the transfer. This strategy is legally sound: URI’s permission to use the articles survives the transfer of copyright to a publisher because it was granted before that transfer. As a result, URI is able to make all articles written by URI

faculty freely available to the world, Open Access, through DigitalCommons@URI, without having to rely on publisher permission.

It is worth noting that a key component of the policy is a no-questions-asked waiver that allows any faculty member to opt out of the Open Access requirement for a particular article for any reason at all or to delay access to the article for a specified period of time. The waiver provision preserves the academic freedom of faculty to publish in any journal, even a journal issued by a publisher that will not cooperate with the policy. The waiver also enhances the palatability of the policy for faculty, making it more likely to pass. Thus, with the passage of the URI Open Access Policy, we not only have overcome the copyright hurdle, but the very fact that an institutional policy exists sets the expectation that faculty will comply. The policy essentially changes the default for URI faculty articles to Open Access.

Passing the OA Policy

Prior to the Senate's vote on the policy, we launched an outreach campaign. Because there had never been a general outreach campaign around DigitalCommons@URI, we were able to combine a general overview of the repository with more specific information about Open Access and a Harvard-style policy. Over six months starting in September 2012, we presented to 21 departments and/or colleges. Faculty members generally responded positively to the policy proposal, but we did encounter some frequently asked questions and concerns.

Many faculty members asked whether OA policies would hurt journals by driving down subscriptions. So far, as we explained, there is no evidence that the availability of articles in institutional repositories affects journal subscriptions. Libraries will not stop subscribing to journals because *some* of the articles may be available for free. Other faculty members asked whether the policy could prevent their work from being accepted; the answer is no, since in the publishing process, acceptance is decided before the copyright negotiations take place. If a publisher does have a problem with publishing an accepted article under the OA Policy, the faculty member can request a no-questions-asked waiver to opt out of the policy for that particular article. Most significantly, some faculty members had concerns about derivative works—such as translations or anthologies, which re-use the original work. Upon further investigation of this issue, we found that Harvard's Terms of Use for OA Policy articles explicitly prohibits the creation of derivative works. We decided to model our Terms of Use after Harvard's, and this change allayed concerns among URI faculty.

Overall, most questions and concerns about the policy stemmed from a misunderstanding of how this type of policy actually functions. The key to getting faculty on board, in our experience, is to become an expert on the policy

and anticipate some of the frequently asked questions before you start doing outreach. Harvard's Office of Scholarly Communication staff provided essential help and advice throughout this process. Ultimately, the URI Faculty Senate unanimously passed the Open Access Policy on March 21, 2013.

Open Access Theses & Dissertations

Implementing Open Access dissertations and theses at URI was a smaller but still significant project of the past year. As with the OA Policy, several circumstances aligned to create a perfect opportunity to provide Open Access for ETDs. Importantly, URI students already submit their dissertations and master's theses electronically to ProQuest—and ProQuest can readily send copies of ETD files and metadata to a local University server. In terms of policy, the University already had a written policy built into the University Manual, stating: "A student must, as a condition of the award of any degree, grant a royalty-free license or permission to the University . . . to reproduce, publicly distribute on a non-commercial basis, copies of student project reports, theses, or dissertations . . ." (University of Rhode Island, 2011) The Library has always made printed copies of theses and dissertations available, according to this language in the Manual. Combined with notifying authors, this built-in University policy would justify making digital copies openly available through DigitalCommons@URI. We would not need an additional written OA policy for ETDs.

Once we had the policy in place and the technical capability to receive the files from ProQuest, we worked with the Graduate School to implement the new procedure of uploading all ETDs to DigitalCommons@URI. During the ProQuest submission process, students must click through an institutional repository agreement and select an optional embargo. To accommodate authors who may be working on future publication, authors can select up to a two year embargo (delayed release) on full text access. The Library does all the work of uploading ETDs and metadata to DigitalCommons@URI.

What's Next?

Implementing the Open Access Policy presents a new to-do list for library staff. For example, this will include: customizing DigitalCommons@URI, making waiver forms available to authors, conducting further outreach, harvesting from other OA databases, and gathering files from faculty and posting them. One of our challenges will be the lack of technical support, as we have no technical staff in the Library, and we will have to rely on fairly low-tech workflows. We also anticipate that keeping faculty aware of the policy will be a challenge; we need to ensure that deposit in DigitalCommons@URI becomes a habitual part of the publication process.

Outreach will also be important for Open Access ETDs going forward, to make students aware of this new

procedure. This will also involve coordinating with the Graduate School and faculty advisors, as they have more direct contact with graduate students. We recently realized the University's IP Policy was changed without any input from the Library. All language about theses and dissertations—including the section granting the University rights to distribute dissertations and theses—was removed from the Manual. We are now working on either getting that language back into the Manual, or creating a new written policy specifically for ETDs.

From a practical standpoint, policies that shift the default to Open Access make our jobs as librarians easier. By making Open Access a normal outcome of the publishing process, institutions can more successfully promote and preserve original university scholarship without being burdened by publisher policies. Open Access benefits everyone—it makes research more widely available, more discoverable, and therefore more useful. Just as many research funders now require Open Access, and the Obama administration requires Open Access from many federal agencies, libraries can push universities to shift the default to Open Access.

References

Shieber, S. and Suber, P. (2013). Additional Resources. *Good practices for university open-access policies*. Retrieved from http://cyber.law.harvard.edu/hoap/Additional_resources.

University of Rhode Island. (2011). Chapter 10.42.15. *University Manual*. Retrieved from http://www.uri.edu/facsen/CHAPTER_1007.html.

Notes

¹See a full list of similar policies at http://cyber.law.harvard.edu/hoap/Additional_resources.