

Open Access: HEFCE, REF2020 and the Threat to Academic Freedom

Summary

- The Government is pushing academic publishing to a 'pay-to-say' model in order to achieve open access to publicly funded research
- This 'gold' route to open access, which levies Article Processing Charges (as proposed in the Finch Report and taken up by RCUK and HEFCE) poses a major problem for academics in the UK:
 - It threatens academic freedom through pressures on institutions to distribute scarce APC resources and to judge work by standards other than peer review
 - It threatens research funding by diverting existing funds into paying for publications (and private journal profits) rather than into research
 - It increases academic inequality both across and within institutions, by linking prestige in research and publishing to the capacity to pay APCs, rather than to academic qualities
 - It threatens academic control of research outputs by allowing for commercial uses without author consent
- In response, academics should:
 - Practice and lobby for 'green' open access of all post-peer reviewed work within journals and institutions
 - Lobby against proposed restrictions on REF2020 and against compliance pressure for 'gold' open access
 - Demand clear policies from Universities around open access funds
 - Ensure institutional resources are not unnecessarily spent on APCs
 - Protect the integrity of scholarly journals by rejecting the pressure for 'pay-to-say' publishing

Open Access: Rushing Implementation

Many academics have been ardent supporters of the open access principle (that peer-reviewed academic work should be freely available and easily accessible to anyone), and were excited when the Government made steps to advance it. However, it has become clear that the implementation of this policy via REF2020 will have very serious negative consequences for all academic authors and institutions, unless authors and institutions themselves start to take action and make their voices heard. It is critical that academics understand what is happening and lobby our pro-VCs of Research, our VCs and Universities UK to defend both academic freedom and open access.

The timescale for action and decision-making is now incredibly short. Several policies, including that of the Government and of RCUK were declared immediately with the release of the Finch Report, totally accepting its views without wider consultation. HEFCE is going to open and close a very quick consultation period early in 2013 in order to issue guidance ahead of REF2020. Some universities have been given until March 2013 to determine what to do with open access funds that they were given in November. And it was only on 29 November 2012 that the first indications from HEFCE were given as to their intentions, at the Academy of Social Sciences (ACSS) conference on Implementing Finch. The timetable for finalising the details of this complex policy is thus extremely short and does not allow for adequate discussion of its serious consequences. Despite this, academics can still play an important role in resisting the threats posed.

So, What is Happening?

In summary, academic journals are being moved from a 'pay-to-read' model to a 'pay-to-say' model. Journal publishers are to start charging Article Processing Charges (APCs) to authors and/or their institutions, which will make the articles freely available and re-useable to and by the general public, as long as there is attribution to the original author. The view taken by the Finch Report is that this offers a sustainable long-term model to support revenue streams in academic publishing. This combination of per article payments and open access is usually referred to as the 'gold' model. Estimates for APCs are very unclear but currently range from £500-£5,000 per published article. The Wellcome Trust figure, used by the Report for its calculations, was £1,450. All Government policy is now strongly in favour of promoting 'gold' open access.

However, the report also argues for a 'mixed economy', where 'green' open access is available. 'Green' open access involves making articles available through institutional or subject repositories, in either 'pre-print', 'pre-review' or 'original submission' forms (and occasionally in full 'final' form) depending on publisher and journal. This may mean that the full Version of Record (VoR) reviewed article remains behind a journal paywall for either an embargo period of between 6 and 18 months, or permanently. Many institutions now host repositories and have been using them to collect data for the REF.

£10m 'kick-start' funds have been divided between thirty 'research-intensive' universities decide how to pursue open access in their own institutions - money which has been reallocated for this purpose from the existing science budget. It is expected that whilst some money will go on strengthening their repositories, most will create Institutional Publication Funds which will pay some of the costs of APCs. For universities without the 'kick-start' grant, money will have to be found from their existing research budgets.

Serious Threats for Academics and Institutions

There are four clear threats here for authors and universities from a system which is pushing towards 'gold' open access: a serious and sustained threat to academic freedom, the wasting of research money and academic time, the entrenchment of inequality between institutions and researchers, and less control over the uses of research outputs.

- *Academic Freedom*

Academic freedom is compromised by a 'pay-to-say' system, because institutions and academics will have to bid for the funds to publish their work. This means for academics that unless they are rich enough to pay for the publication of their own research, they will have to convince non-expert committees of the value of pre-published work, and compete against other University colleagues for funds. They will be restricted as to what they can publish and where. It is clear that Institutional Publication Committees will have to ration funds in line with pressures for REF and impact, meaning that lots of potentially valuable work will go unfunded.

This approach also assumes that such funds are available in-house; for the majority of cash-strapped universities they will not be, meaning that many of their academics may simply not be able to publish at all in the journals of their choice. Additionally, many non-UK journals may not be Open-Access compliant, preventing UK academics from publishing in them. UK journals will also be under pressure to select research according to whether APCs can be paid, instead of simply taking the best quality research. Overall, a 'pay-to-say' system undermines the core principle that expert peer review is the primary filter for publishing in academic journal.

- *Wasting Resources*

There is a huge shortfall in the money being provided to kick-start open access, and the amount which would be required to fund current research outputs. Professor Tim Blackman, Pro Vice Chancellor (Research Scholarship and Quality) at the Open University has estimated that to get to the minimum suggested 45% level for 'gold' open access, his university would have to find an extra £740,000 per annum, possibly rising to £1.6m per annum. For all institutions, these will have to be found from already tight budgets, wasting money that could be spent on research itself or other scholarly activities.

Administering Institutional Publication Funds will also take up vast quantities of academic and administrative time, as non-expert committees will have to make impossibly contentious decisions about colleagues' pre-published work. REF panels have found this difficult enough despite having more disciplinary expertise and often seeing the work after the improvements of peer review. The job of Institutional Publication Fund committees will be exponentially harder, and they will by definition be badly placed to judge the work on its quality. Moreover, important ambiguities will have to be resolved: will work that has received reject or revise decisions from journals be eligible for further APCs? Which institutions will be responsible for APCs in the case of multi-authored papers? And will institutions be able to reclaim APC costs if Faculty change institutions before the completion of a Research Excellence Framework (REF) cycle?

- *Academic Inequality*

Under the 'pay-to-say' system, it is the wealthiest, rather than the best, individuals and institutions who will be able to dominate publishing. This poses serious problems for the overall quality of research output, which is currently underpinned by the principle that the best research emerges on its own academic merit. This will become more deeply entrenched as subsequent rounds of the REF become geared towards the 'pay-to-say' model.

More substantially, it poses enormous problems for the academic 'poor' – the early career researchers writing PhDs, retired academics, independent scholars, NGO researchers, and anybody at an institution without the inclination to pay for their research. This will suppress the development of academic talent in the long run, suppress the publication of the excellent work that emerges post-retirement, and suppress the work of any scholars outside identified 'research-intensive' institutions. This will entrench a plutocracy rather than a meritocracy in the publication of academic research.

- *Control Over Research Outputs*

Under the 'gold' system, it is intended that work is available under a 'CC-BY' copyright licence, which means that as long as it is attributed, work can be remixed, re-purposed and re-used by anybody, including for commercial purposes. By contrast, most academic work in repositories operates under a non-commercial and non-derivative licence, which means that it cannot be re-used for commercial purposes, and that work cannot be remixed or repurposed in ways not authorised by the author. The 'gold' system effectively removes many of the key rights of authors over their work, and is strongly opposed by the British Copyright Council.

Although there are important arguments to be made here for the public benefits of sharing research, particularly science, this has clear consequences for universities who may want to develop the commercial purposes of research for themselves. It also affects who want to retain the right to royalties from the reproduction of their works and to manage the intellectual context in which their work may be reproduced.

Compliance Routes

Overall, the pressure to move to 'gold' then has incredibly serious consequences for researchers and institutions. From the Government, compliance pressure will be applied directly to academic institutions and researchers through the policies of two key funding bodies: RCUK and HEFCE. It is critical that academics and institutions get to grips with these policies as soon as possible.

RCUK policy was published in July, very quickly in the footsteps of the Finch Report. RCUK have also administered and announced the 'kick-start' funds this November. During the November 2012 ACSS conference, Head of Research Policy at HEFCE Paul Hubbard said that this would be the broad template for HEFCE and they would be seeking to make any returns for REF2020 compliant with this policy.

- *RCUK Policy*

RCUK policy states that any peer-reviewed journal articles resulting from RCUK funded research must be published in open-access compliant journals.

Journals are defined as open-access compliant:

- a) If they offer 'gold' publishing, i.e. making work available under a CC-BY licence, paid for by an APC
- b) If they do not offer this option, they must allow post-peer reviewed work (incorporating changes but not necessarily publishers' pdf) available for self-archiving within 6 months (12 months for Arts, Humanities and Social Sciences) without an APC.

RCUK grant-funded research cannot be published in other journals. The intended consequences of this policy are to encourage journals to charge APCs to make the work available, i.e. to make them 'pay-to-say'. Although these are presented as 'options', one is the 'option' to collect a revenue, whereas the other is not. In concrete terms, this means that journals will be under pressure to 'become compliant' by charging authors APCs where possible. This in principle allows commercially-minded journals to maintain embargo periods on work whose authors cannot afford APCs, blocking 'green' self-archiving.

RCUK has stated that "the RCUK preference is for Gold open access, but that where a journal offers both Gold and Green the choice lies with the researcher and his/her institution". However, it is easy to predict that this will not be much of a 'choice' in practice. These charges are currently separately chargeable in RCUK budgets, but in the future they will come directly from the research funds. People in receipt of RCUK funds will therefore have to choose very carefully where they publish, based on whether they have enough funds to cover publication.

However, this policy covers only a small overall proportion of 'publicly funded' research in the UK, and would not in itself lead to a change in the overall publishing system. There continue to be real ambiguities as to whether 'funded' research will mean only project-specific grants, or whether it will in the future be used to mean work undertaken in any institution receiving general research funds. However, applying it to the REF2020 is seen as the real lever for change.

- *Enforcement Through REF2020*

HEFCE have not yet released a definite paper on its likely policy for REF2020, but have indicated strongly that it will apply the same definitions and criteria for compliance as RCUK. It will consult on this in early 2013. HEFCE maintains that this allows institutional choice because it claims REF ratings are given to the actual work and not the ranking of the journals in which work is published. Thus, particular journals are not assumed to have a stranglehold over the market, and journals are imagined to compete to price their APCs competitively.

Thus it is imagined that institutions and researchers can choose the publication outlets of their choosing depending on their own funding situations, and that journals will compete to lower APC charges.

However, anyone remotely connected to the REF knows that this does not reflect practice and that journal names themselves matter a great deal to panels. Thus, it is extremely likely that the higher ranked UK journals will be incentivised to charge higher APCs than others, meaning that access to publication is blocked for those without funds.

A huge ambiguity remains over what to do with research published in the top journals abroad – if these remain non-compliant, as many US-based journals currently are, institutions may not be able to return this work for the REF. There is also a big question over what to do with overseas submitters who have either no need or no ability to pay APCs. If UK journals do not attract these submissions, the overall standing and quality of the research published by our journals will fall.

What Needs To Be Done Immediately

Universities, particularly senior management:

- Raise awareness within the sector and share your concerns with colleagues at other HEIs
- Work with Universities UK to develop a collective response to the HEFCE consultation on REF2020 that raises these issues in the strongest possible terms:
 - Lobby for the broadest possible definition of open access to allow all of the best research to be returned, regardless of where it is published
- Develop institutional policies on open access which protect academic freedom, research budgets, and the ability of all researchers to publish in the best possible outlets:
 - Clarify current and proposed open access and APC policies to all academic staff, endorsing the use of repositories for post-peer review work as standard practice
 - Guarantee the protection of teaching and research budgets
 - Commit to an equitable distribution of funds between different disciplines, career stages and research programmes
 - Ensure that any arrangements for APC funding will comply fully with statutes on and principles of academic freedom. The best guarantee of this would be that any choices over the content and publication site of research *should only be undertaken by authors themselves*
 - Make criteria for APC funding extremely transparent, and only available as an absolutely last resort where repository archiving is an unavailable option for compliance
 - Strengthen the usage of repositories by researchers, through an opt-out rather than opt-in scheme, with full Version of Record as far as possible
 - Investigate the possibility of a Harvard-style policy which asserts a non-exclusive licence to put work in the institutional repository. The legal status of this policy is unclear but could save millions in the long run. This already also applies to biomedical research funded by the US Government, which must appear on PubMed

Academics:

- Raise awareness about these issues within Departments, Schools, Faculties and the most senior management of your institution. Forward this paper to all internal and external colleagues
- Refuse to serve on Institutional Publication Fund committees which do not protect academic freedoms and equality

- Protect the scholarly integrity and international reputation of journals by rejecting the ‘pay-to-say’ model:
 - As Editors, only work with publishers who currently allow policy-compliant ‘self-archiving’ (i.e. sufficiently short embargo period of post-peer review work). This currently includes many of the top University Press publishers, and is a viable business model until such time as library subscriptions cease (if they ever do)
 - As Editors, do not make editorial decisions based on the payability of APCs
 - As peer reviewers, withdraw labour from ‘pay-to-say’ journals that do not allow authors to self-archive post-peer reviewed work
 - As authors, do not submit to ‘APC only’ journals. Avoid the payment of APCs as far as possible, and self-archive all work in institutional repositories
 - As disciplinary communities, pressure top journals to avoid ‘pay-to-say’ funding models
- Protect learned societies by diversifying funding away from streams provided by commercial publishing

Conclusion

The movement to ‘pay-to-say’ journals poses a serious threat to academic freedom, research funding, and the sustenance of a meritocracy in the publishing of research. But it can only happen if academics let it happen. We, not the government nor the publishers, ultimately control the journals. The entire system depends on the unpaid editorial, reviewing and authorial labour that academics provide. We are also the ones who negotiate deals with publishers. We are also going to be responsible for ‘implementing’ open access at our institutions, and for managing our budgets. We must thus use our personal energies, authority and leadership wherever possible to ensure that we protect the freedoms to write and publish the best research. And we must do so in ways that ensure and extend principles of open access and public knowledge, without further cuts to research budgets. The future of our sector depends very much on what we do now.

Further Links

Finch Report and Government Response: <http://www.researchinfonet.org/publish/finch/>

RCUK policy, including current funding allocations: <http://www.rcuk.ac.uk/research/Pages/outputs.aspx>

HEFCE funding system: <http://www.hefce.ac.uk/whatwedo/rsrch/howfundr/mainstreamqresearchfunding/>

Harvard’s Open Access Policy: <http://osc.hul.harvard.edu/policies>

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It is also available as a blog post: <http://thedisorderofthings.com/2012/12/04/open-access-hefce-ref2020-and-the-threat-to-academic-freedom/>