

Developing & Implementing Open Access Policies

Bring your questions



<http://creativecommons.org/licenses/by-nc/3.0/us/>

Speakers

Ada Emmett, University of Kansas

Sue Kriegsman, Harvard University

Agenda

1. Engage and assess stakeholders
2. Evaluate elements of policy
3. Identify the critical pieces for implementation
4. Questions and discussion

Question

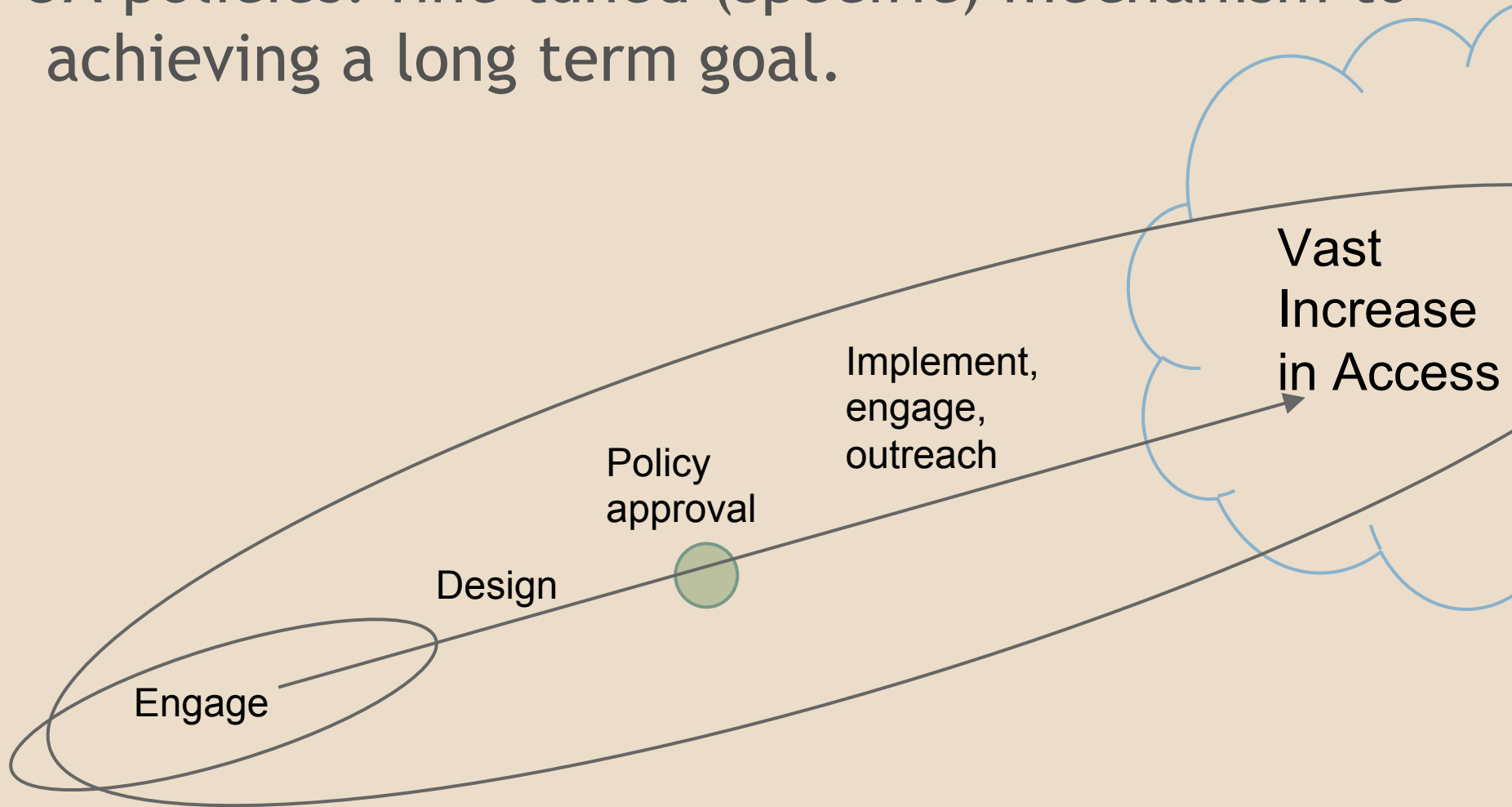
1. Does your institution currently have a policy? (whether institution-wide, college/school, or unit within a university/college)
2. Is your institution currently working on a policy?

Engage & Assess Stakeholders

- Who is needed (before, during, after)
- Environmental Scans
- Engagement

An OA policy is a mechanism

OA policies: fine tuned (specific) mechanism to achieving a long term goal.



Engage & Assess Stakeholders

Who is needed for early and middle stages of policy development?

Who is the key stakeholder in the end goal?

- This is THEIR (faculty) policy, not ours (libraries)
- Faculty champions (from different disciplines) to lead the effort and core team/group/task force are a must.
- Librarians, acting as facilitators/midwife to the process

Engage & Assess Stakeholders

Environmental Scan: where are you, where is the campus?

- Evidence of readiness?
- consider using ARL/ACRL Institute on Scholarly Communication environmental scan resources: <http://tinyurl.com/lgy6uwq> for a variety of handy tools to assist in an environmental scan.
- Time: Allow for the unfolding of an organic process.

Full URL for above is:

<http://www.arl.org/focus-areas/scholarly-communication/institute-on-scholarly-communication/2586-program-planning-a-development-tools>

Questions

Question 1:

Please vote if your institution completed a process of an environmental scan that engaged stakeholders: After the process did your school decide **not** to move forward with a policy?

Question 2:

Or then radically changed their plans based on it?

Engage & Assess Stakeholders

Engage: the core team should should

- **Consult** with experts at institutions that have passed policies to receive guidance and encouragement.
- **Anticipate** concerns and issues ahead of time.
- **Organize Small meetings**
- **Be ready** for your pragmatists, traditionalists, evangelists*
- **Find/build/nurture** allies. **Be** an ally.
- **Garbage in, garbage out** OR pay now, pay later:

Policy development process feeds and informs policy implementation later.

*Jen Waller, Andrew Reville, and Aaron K. Shrimplin. *Keep the Change: Clusters of Faculty Opinion on Open Access*. Paper presented at ACRL Conference Proceedings. April 10-13, 2013, Indianapolis, IN.

Questions

Question

Are there questions from the group about how to identify a faculty champion? stories of nurturing such a champion?

Let's take one or two now.

Open Access: definition

“Open-access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions.”

Peter Suber

<http://www.earlham.edu/~peters/fos/overview.htm>

Policy components

6 types of policies:

Good practices for university open-access policies

http://cyber.law.harvard.edu/hoap/Drafting_a_policy

3 Components to the policy type we are discussing today.

- Grants non-exclusive rights to institution
- Deposit the article
- Opt-out of the policy for a specific article

Model Policy

<https://osc.hul.harvard.edu/modelpolicy>

Stuart Shieber

- Based on many policy implementations
- Simple changes can make a big impact

1 The Faculty of *<university name>* is committed to disseminating the fruits
2 of its research and scholarship as widely as possible. In keeping with
3 that commitment, the Faculty adopts the following policy: Each Faculty
4 member grants to *<university name>* permission to make available his or
5 her scholarly articles and to exercise the copyright in those articles. More
6 specifically, each Faculty member grants to *<university name>* a nonexclu-
7 sive, irrevocable, worldwide license to exercise any and all rights under
8 copyright relating to each of his or her scholarly articles, in any medium,
9 provided that the articles are not sold for a profit, and to authorize others
10 to do the same. The policy applies to all scholarly articles authored or co-
11 authored while the person is a member of the Faculty except for any articles
12 completed before the adoption of this policy and any articles for which
13 the Faculty member entered into an incompatible licensing or assignment
14 agreement before the adoption of this policy. The Provost or Provost's des-
15 ignate will waive application of the license for a particular article or delay
16 access for a specified period of time upon express direction by a Faculty
17 member.

EXPLANATORY NOTES

line 1, *disseminating the fruits of its research and scholarship as widely as possible*:

The intention of the policy is to promote the broadest possible access to the university's research. The preamble emphasizes that the issue is access, not finances.

line 4, *grants*: The wording here is crucial. The policy causes the grant of the license directly. An alternative wording, such as "each faculty member shall grant", places a requirement on faculty members, but does not actually cause the grant itself.

line 5, *scholarly articles*: The scope of the policy is scholarly articles. What constitutes a scholarly article is purposefully left vague. Clearly falling within the scope of the term are (using terms from the Budapest Open Access Initiative) articles that describe the fruits of scholars' research and that they give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings. Clearly falling outside of the scope are a wide variety of other scholarly writings such as books and commissioned articles, as well as popular writings, fiction and poetry, and pedagogical materials (lecture notes, lecture videos, case studies).

Qualifer

I am not a lawyer.

Example 1

Model: ...permission to make available his or her scholarly articles and to exercise the copyright in those articles.

Change: permission to make available his or her scholarly articles ... **as allowed by copyright agreements.**

What it means: permission is not granted with the policy

Example 2

Model: Each Faculty member grants to (university name) permission to make available his or her scholarly articles and to exercise the copyright in those articles.

Change: Faculty grant permission to make our scholarly journal articles openly accessible in the institutional repository. We will request changes to our publication contracts to permit this.

What it means: permission is in the hands of the publisher and the policy does not automatically grant rights to the university

Example 3

Model: Each Faculty member will provide an electronic copy of the author's final version of each article.

Change: We encourage our faculty to have a digital copy of the author's final version of each scholarly article deposited.

What it means: you might have an empty fridge

Example 4

Model: does not define scholarly article

Change: A scholarly article is defined as a peer-reviewed scholarly work **published** in a journal.

What it means: the work has to be published in order to qualify for the policy. The policy does not grant rights at the time the article is written.

Example 5

Model: Each Faculty member grants to (university name) permission to make available his or her scholarly articles and to exercise the copyright in those articles.

Change: Permission to make electronically available his or her scholarly works that the author **has chosen to distribute as Open Access.**

What it means: it becomes an opt-in policy and it is not an automatic transfer of the license.

“Imperfect” or no policy



Identify Critical Pieces for Implementation

Identify critical pieces:

- Paper gathering; depositing on behalf of faculty
- Waiver methods-- how, records keeping, requirements
- Sherpa/RoMEO; addenda.
- Reaffirming policy and other methods to lower the 'breach of contract threat'
- Reports back to faculty on downloads—let them see the benefits.
- Report usage/compliance of policy.

Staffing

- University of Kansas: 1.5 FTE
- MIT: 3.2 FTE in the Office of Schol. Publishing & Licensing
 - 1 of those FTE is a 2 year term fellow
 - In other departments
 - .25 FTE metadata
 - Hiring a software developer
- Harvard: 9.5 FTE
 - Grant to be working on OA related projects
 - 3 software developers
 - 1 lawyer
- Students

Assistance Authorization

Allows the department to:

- Act on behalf of the author in matters of the repository
 - choices about access to the materials
 - access decisions
- Affirm of the policy
 - supports section 205 (e) of copyright law

Addenda

Notifying publishers of rights retention

SPARC offers an Author Addendum to
Publication Agreement

[http://www.sparc.arl.org/resources/
authors/addendum-2007](http://www.sparc.arl.org/resources/authors/addendum-2007)

Waivers

- Authors should always publish in the place most appropriate for their work
- Waiver gives authors this option
 - Faculty who may oppose the policy still have a way to not participate.

Questions for you

Targeted questions

- Is anyone at an institution without in-house general counsel? How will you do risk assessment?
- Who is at an institution where faculty and librarians are strong partners in the endeavor of policy development?
- Who is at an institution where the OA policy interest is mostly coming from librarians?

Questions you have for us

Other questions on anything we've talked about.

Ada Emmett, University of Kansas
aemmett@ku.edu

Sue Kriegsman, Harvard University
suzanne_kriegsman@harvard.edu

Further Readings

“Implementing open access policies using institutional repositories.” Ellen Duranceau and Sue Kriegsman <http://nrs.harvard.edu/urn-3:HUL.InstRepos:10202479>

“Good practices for university open-access policies.” Wiki, by [Stuart Shieber](#), [Peter Suber](#); Berkman Center for Internet & Society. ; Harvard Open Access Project (HOAP).

http://cyber.law.harvard.edu/hoap/Good_practices_for_university_open-access_policies Last updated, September 28, 2013.

Open Access, Peter Suber <http://nrs.harvard.edu/urn-3:HUL.InstRepos:10752204>

“Toward Open Access: It Takes a Village” *Journal of Library Administration*, 51:1–23, 2011. Emmett, A; Stratton, J; Peterson, A.T; Church-Duran, J; & Lorraine Haricombe. <http://hdl.handle.net/1808/7617>

“Reframing Complexity: A Four Dimensional Approach to Organizational Diagnosis, Development, and Change. (2006) Gallos and Schein. From *Organizational Development: A Jossey-Bass Reader*.

“Keep the Change: Clusters of Faculty Opinion on Open Access”. Jen Waller, Andrew Revelle, and Aaron K. Shrimplin. Paper presented at *ACRL Conference Proceedings*. April 10–13, 2013, Indianapolis, IN.

“Copyright and the Harvard Open Access Mandate”. Eric Priest. *Northwestern Journal of Technology and Intellectual Property*, Vol. 10, p. 377, 2012. Available, <http://bit.ly/PUytrz>

Attribution

For the image of the Nebraska sod house, 1886: From, flickr with CC license, USDAgov image.

“A farm family poses outside their sod house. Note the clothes made from the same bolt of cloth in East Custer County, Nebraska, circa 1888. Courtesy Nebraska State Historical Society:

<http://www.flickr.com/photos/41284017@N08/6302886826/in/photolist-aAXWEw-57kFut-7E7FuY-7E3YmV-DDboc-kAVCM-8te4wQ-cTxyPN-e3QKNZ-6HS6s-aVjZ2H-asnfJs-dBV8mb-4rofo3-fedoku-eqRCMr-dqFYWR-6hgCCH-7uu9MD-eb6gfS-ao4qqV-wroGc-8LHtLh-8LHtsA-8LHtHb-8LHtRo-8LHtNN-9cog6v-6jQ4LT-7E7P2J-duTZuH-6VRyaj-DDbuU-WCoCd-9DMrrA-b3N8Ke-bLTQpP-b3N7qT-b3N6dz-WCoFo-82jCGX-82nKFj-82nKGQ-82jCCZ-798ZJ7-csPFk9-9CKNk7-4gs5D-6U85fz>