

UNIVERSITY OF RHODE ISLAND OPEN ACCESS POLICY FAQ'S

PURPOSE AND AIM OF THE POLICY

What does this policy do in plain English?

Through the policy, URI faculty authors give the University of Rhode Island permission to make available a version of their published, peer-reviewed journal articles in URI's online repository, DigitalCommons@URI. (Faculty will submit their final article manuscripts, with any changes made as a result of peer review, through email or a simple web form.)

Under the policy, you retain the full copyright in your articles and grant URI a non-exclusive license to exercise your rights under copyright. "Non-exclusive" means that the permissions that you give to URI do not prevent you from giving permissions to others, including publishers, to also exercise some or all of the rights you have as the copyright holder.

In practice, this means that you grant URI permission to reproduce, display, and distribute your articles as long as the articles are not sold. The policy also allows the university to authorize others to use the articles, again, as long as the articles are not sold.

For example, researchers would be authorized to use the articles for data mining, and faculty at other institutions would be allowed to use the articles as course readings. The policy in effect transfers rights back to you as the author for similar uses, thus allowing you to retain your rights even if you subsequently transfer your copyright to a publisher.

Why implement such a policy?

The policy provides a basis for the University to preserve the work of its scholars and to provide access to that work to anyone who seeks it. The goal of the policy is expressed in the first line: "The Faculty of the University of Rhode Island is committed to disseminating the fruits of its research and scholarship as widely as possible."

The policy also conforms to URI's Academic Plan 2010-2015, which calls for "developing the DigitalCommons@URI platform into a showcase of research for the purpose of preservation, sharing, and promotion of URI research."

Open access policies are part of a rapidly growing movement in academia to make research and scholarship more accessible to scholars, educators, policymakers, and citizens worldwide.

What are the advantages for faculty authors?

The Internet has enabled individual faculty to make their articles widely, openly, and freely available. Research has repeatedly shown that articles available freely online are more often cited and have greater impact than those not freely available, and this trend is increasing over time. Consequently, many faculty already make their writings available on their web pages, sometimes in violation of copyright law. URI's open access policy would provide a legal mechanism for faculty authors to make their writings openly accessible, and it would enable the University to help them do so. In effect, the policy actually allows faculty authors to retain their rights in their articles, because the university can grant those rights back to them.

Why *require* this? Why not just suggest that faculty individually retain the rights to post their work in DigitalCommons@URI?

Experience has shown that “opt-in” systems have little effect on authors’ behavior. For instance, before Congress made it a requirement, participation in the NIH Public Access Policy was optional. During that period, compliance was under 20%; now the deposit rate is 75%. On the other hand, opt-out systems (such as this policy) achieve much higher degrees of participation, even while remaining non-coercive through the option of seeking a waiver.

Also, a blanket policy provides the benefit of unified action. Individual authors will not need to negotiate directly with publishers since the policy makes it possible for the University to work with publishers on behalf of the faculty to simplify procedures and broaden access.

Have other institutions adopted this kind of policy?

Yes. A number of schools at Harvard have adopted similar policies, as have faculty at the Massachusetts Institute of Technology, the University of Kansas, Oberlin College, Duke University, the University of Hawaii-Manoa, Emory University, Princeton University, Utah State University, Rutgers University, the University of California San Francisco, Wellesley College, and the University of Massachusetts Medical School, to name a few. Moreover, of these examples, faculty voted for the policy *unanimously* in many cases. (Harvard Faculty of Arts & Sciences, Harvard School of Law, MIT, Duke, Oberlin, Emory, Princeton, Utah State, and UCSF.)

Research funders are supporting similar efforts. For example, the National Institutes of Health have for several years required the posting of articles derived from research they fund in an open access repository, and the Howard Hughes Medical Institute as well as the Wellcome Trust require any scholarly articles on research they fund to be made openly accessible. And in February 2013, the Obama administration issued a directive that will require all federal agencies with annual research and development budgets of \$100 million or more to make articles reporting on the results of this research open access after a 12 month embargo period.

<<http://www.arl.org/sparc/media/sparc-applauds-white-house-for-landmark-directive-.shtml>>

ROARMAP <<http://roarmap.eprints.org/>> lists well over 200 open access policies adopted by academic institutions, departments, and research funders worldwide.

COMPLYING WITH THE POLICY

I’m busy. What do I have to do to comply with this policy? How much time will it take?

The policy operates automatically to give URI a license in any scholarly articles faculty members complete after its adoption. To be thorough, it is recommended that faculty authors communicate the policy to their publisher and add an addendum to the publisher’s copyright agreement stating that the agreement is subject to a prior license. That way, you will avoid agreeing to give the publisher rights that are inconsistent with the prior license given to URI. The University will provide a suitable form of addendum for this purpose. Whether or not you use the addendum, the license to URI will still have force.

Papers should be submitted to DigitalCommons@URI as of the date of publication. To submit a paper, you will upload the author's final manuscript, post peer-review, via a web form, or send it via e-mail. Current calculations are that the handling of the policy requirements will take no more than 15-20 minutes per publication.

The overall intention of the policy is that a relatively small investment of time can greatly increase the overall accessibility and impact of your scholarship.

Would being subject to this policy prevent my work from being accepted by the top journals in my field?

A journal's decision to accept your work for publication is made by the journal's editors and peer reviewers, scholars like you. This decision is independent of the "business" side of the journal and usually takes place before you are asked to sign a publication agreement. So, no, being subject to the policy will not prevent your work from being accepted in a journal. Any objections to the policy raised would be made by the publisher, not by the editor.

What if a journal refuses to publish my article because of this policy?

Given the experience of other institutions with open access policies, this is not likely, but it could happen. In this case, you have a number of options. One is to try to persuade the publisher that it should accept URI's non-exclusive license in order to be able to publish your article. A second is to consult with the publisher about steps you could take that might address their specific concerns (e.g. complying with the policy after an "embargo" period). A third is to seek a different publisher. A fourth is to obtain a waiver for the article under the policy.

SCOPE OF THE POLICY

What kinds of writings does the policy apply to?

Only "scholarly articles." In the language of the Budapest Open Access Initiative, scholarly articles are articles that describe the fruits of research and that authors 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.

Many of the written products of faculty are *not* encompassed in this notion of scholarly article, including: books, popular articles, commissioned articles, fiction and poetry, encyclopedia entries, ephemeral writings, lecture notes, lecture videos, or other copyrighted works. The policy is not meant to address these kinds of works.

Can I deposit other types of materials in DigitalCommons@URI if I want to?

While the open access policy only addresses scholarly articles, other deposits are welcome, if copyright allows.

What version of the article is submitted under this policy?

The author's final version of the article: This is the author's manuscript with any changes made as a result of the peer review process, but prior to the publisher's copy-editing or formatting. (In some cases, publishers allow the posting of the final publisher PDF, but this is not the target of

the policy.) Note that DigitalCommons@URI can also accommodate supplementary material, e.g. illustrations, figures, media files, and small data sets.

Does the policy apply to articles I've already written?

No, the policy does not apply to articles that were completed before the adoption of the policy or to any articles for which you entered into an incompatible publishing agreement before the adoption of the policy. The policy also does not apply to any articles you write if you are no longer affiliated with URI. (However, if you are interested in posting older articles and the publishers' policies allow for self-archiving, older material is welcome.)

I often collaborate with colleagues at other institutions. Does the policy apply to co-authored articles?

Yes. Each joint author of an article holds copyright in the article and individually has the authority to grant to URI a non-exclusive license. Therefore, if any co-author of an article is a URI faculty member, that person should comply with this policy.

What if my co-author objects to depositing our article in DigitalCommons@URI?

If a co-author has concerns about depositing your work in DigitalCommons@URI, you may request a waiver and thus prevent any complications. However, as more universities adopt such policies, you might find that your co-author is subject to a similar policy. In this case, you may deposit the article at both institutions.

OPTING OUT (OBTAINING A WAIVER)
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Explain the waiver provision.

The policy allows a faculty member, for any reason at all, to opt out of making a work open access, with no questions asked. We anticipate creating a simple web form for this purpose. The policy does not, however, allow faculty to opt out of the deposit requirement.

Why require faculty to *deposit* their article even if they opt out of the open access requirement?

There are at least four possible advantages: 1) it allows the faculty member to change their mind later, possibly as the result of changes in publisher policy; 2) it allows for long-term preservation by URI of a copy of the article, which could be important if the publisher were to go out of business or decide to sell or cease publishing the journal; 3) it contributes to the creation of a robust archive of URI faculty publications for the purpose of showcasing research and scholarship at the University of Rhode Island; and 4) the article metadata, i.e. the citation, will be open access and indexed by search services such as Google and therefore the article will be more likely to be discovered by researchers, even if the full text is not available.

Why does the policy include a waiver provision? Doesn't that undermine the policy?

Allowing faculty to opt out of the policy preserves their academic freedom to publish in journals that refuse to accommodate the policy; this is especially important for junior faculty. Even with

the opt-out option, the policy changes the default for author's rights. With the policy, the new status quo will be that URI has the rights to openly share faculty work and can extend these rights to URI authors for their use as well.

ACADEMIC FREEDOM & FACULTY RIGHTS

Does this policy require me to publish in open access journals?

No. The policy applies to journal publications but does not in any way dictate in which journals URI faculty should publish. You can choose the best forum for your research based on whatever criteria are most relevant. Depending on your discipline, you may or may not find an open access journal that meets your criteria, but whether to publish in one is entirely your choice.

Is the university trying to take the rights to my scholarship?

No. The license granted to URI under the policy is not an assignment or transfer of copyright. It is just permission from you, as the copyright holder, to make a certain use of your work. You as the author still retain ownership and complete control of the copyright in your writings, subject only to this prior permission. You can exercise your copyrights in any way you see fit, including transferring them to a publisher if you so desire. However, if you do so, URI would still retain the nonexclusive right to distribute the article from its repository and to exercise other rights under copyright, including reproducing, displaying, and distributing the article, as long as the article is not sold.

Licensing to the university this broad set of rights essentially allows faculty to retain these rights for themselves, since the university can grant these rights back to faculty authors.

Isn't this policy a threat to academic freedom?

The policy does not affect your academic freedom—rather, it helps you protect your rights as an academic. The URI Open Access Policy has nothing to do with your choice of topic, methods, or arena of your research, or where you choose to publish. However, when you do publish, the policy assists you in retaining rights to your intellectual property, instead of transferring all of those rights to a publisher.

How will this policy affect the promotion & tenure review process?

The policy should help faculty in their bid for promotion and tenure. Studies show a large citation advantage for open access articles ranging from 45% to over 500%. The availability of articles in DigitalCommons@URI will make it easier for peers and administrators to access and evaluate the body of a particular faculty member's work. And if an important journal will not cooperate with the policy, a faculty member can rely on the no-questions-asked waiver option to publish in their journal of choice.

Who will monitor implementation of the policy?

[As Harvard has done](#), we suggest that the Faculty Senate create a faculty advisory committee comprised of faculty from throughout the university to develop an implementation plan that has faculty interests in mind and to report regularly on the policy's progress and implementation.

WHAT WILL BE DONE WITH THE ARTICLES

What will URI do with the articles?

URI will continue to operate its open access repository, DigitalCommons@URI, to make available the scholarly articles provided under the policy. The repository has institutional backing to ensure its availability, longevity, and functionality, to the extent technologically feasible. The repository is backed up, mirrored, and made open to harvesting by search services such as OAIster and Google Scholar by BePress, the vendor of DigitalCommons software.

How might my work be used after deposit?

We are recommending that articles subject to URI's Open Access Policy be distributed under the [Terms of Use for DASH Repository](#) pioneered by Harvard. These terms of use allow the articles to be used for:

- a) personal study;
- b) teaching (including distribution of copies to students and courseware programs);
- c) research and scholarship (including computational research uses such as data-mining and text-mining);
- d) provision of value-added services (including full-text searching, cross-referencing, and citation extraction)

Provided that:

- i. users will not sell or charge for any article (whether or not any profit is involved) and will not sell advertising on the same page as any article;
- ii. if making an article available to others, the user will retain with the article its title, the name of the author(s), a reference to the Terms of Use, and any copyright notice included on the original;
- iii. if making an article available online, the user will both cite and provide a link to the publisher's definitive version of the article
- iv. users will not use a facsimile of the published version of the article unless allowed by the publisher
- v. users will not make any translation, adaptation or other derivative work of an article except that, as reasonably necessary to carry out a permitted use, a user may include the article in a collection or database, may change the technical format of an article, and may use excerpts of the article for teaching or other permitted purposes, with limitations.
- vi. users may not sublicense or otherwise transfer their rights in any OAP article and will only make articles available to others for use by them under these Terms of Use

For instance, with the policy, faculty at other institutions would have permission to make articles available for free distribution to their students. (As would you, even if you've signed away your copyright to the publisher.) Likewise, articles could be used in a course pack, so long as the course pack is not sold. It is also conceivable that URI could authorize use of the articles in a commercial service that provides information extracted from the articles (but not the full text itself), such as bibliographic data, citation lists, and other information generated through text mining. Any arrangements URI agreed to would respect the integrity of the authors' work and be consistent with the goals of open access and ensuring wide visibility and availability of scholarly articles.

No one would be able to sell your articles or create derivative works based on your articles without getting permission from the appropriate rights holder, whether that is you or a publisher to whom you have assigned such rights.

It's worth noting that while the majority of publishers currently allow authors to self-archive a version of their article in an institutional repository, URI's Open Access Policy allows for additional uses such as those mentioned above.

Would the policy make my work vulnerable to piracy or plagiarism?

The policy creates an open access version of a scholarly article covered by copyright. All of the rights and duties that exist in the case of traditional publication remain in the case of the open access version, including the ability to prosecute in cases of piracy or plagiarism. If anything, an open access policy deters piracy by allowing access to a freely available version of an article that might otherwise be distributed unlawfully. Plagiarism is something that cannot be addressed by an open access policy.

IMPACT OF POLICY ON SCHOLARLY PUBLISHING ENVIRONMENT

Won't having their articles available for free through open access repositories harm journals? I'm especially concerned about the effect the policy will have on scholarly societies and smaller publishers.

There is no empirical evidence that open access through article repositories leads to journal cancellations. The major societies in physics have not seen any impact on their publishing programs despite the fact that for more than ten years an open access repository (ArXiv) has been making available nearly all of the High Energy Physics literature written during that period. In fact, most publishers currently allow authors to self-archive in a repository; if they found that this practice triggered cancellations, they would change their policies. Some subscription journals have found that open access to their articles actually increases submissions and subscriptions.

Even if there is eventually downward pressure on journal prices over time due to open access repositories, the publishers with the most inflated prices (which tend to be commercial publishers) will feel the effects sooner. The greatest threat of cancellation for subscription journals comes not from open access but from the journals' own price increases, which have grown roughly three times as fast as the rate of inflation over the past 15 years.

The intent of open access policies is not to destroy journals. In an open access world, journals will still be needed for their value-added services, such as coordinating peer review, copy-editing, typesetting, and maintaining web sites.

Finally, it is important to remember that publishers who are genuinely worried about the impact of open access policies on their subscription base have the remedy in their own hands: they can require a waiver. Few do.

For more on this topic, see Stuart Shieber's blog post "Why Open Access is Better for Scholarly Societies" at <http://blogs.law.harvard.edu/pamphlet/2013/01/29/why-open-access-is-better-for-scholarly-societies/>.

Is the policy a threat to peer review?

The policy has no effect on the peer review process. It explicitly applies to scholarly articles, most of which are assumed to be peer reviewed. And the policy does not come into effect until after your paper is reviewed and accepted for publication.

Won't this lead to the proliferation of article versions and confusion over citation?**Will my citation count be split between multiple versions?**

With or without this policy, the academic community will need to work on the problem of version control in digital scholarship. There are technical and standards-based solutions that will address this problem.

Meanwhile, all articles posted to DigitalCommons@URI will include a complete citation and hyperlink to the publisher's version. You will receive a monthly email with the number of times your articles have been downloaded from the repository.

While it is conceivable that downloads of your articles from DigitalCommons@URI may decrease the total number of downloads from the publisher's site, it is important to remember that open access will increase the overall number of citations to your work. Even if downloads and citations are split between more than one version of your article, the overall impact of each article will be greater than if it was sequestered behind a journal pay wall. Many who cite the open access version of your article will have no access to the publisher's paid version and, if not for the open access version, might not have read your work at all.

Does the policy interfere with a publisher's ability to serve as an intellectual steward for articles it publishes, for instance by pursuing illegal copying or plagiarism?

The policy does not prevent publishers from acquiring exclusive rights under copyright (subject to the prior license to URI), and publishers may still enforce those rights in any way they see fit. Publishers may even pursue infringements of moral rights on behalf of authors (e.g. cases of plagiarism). The nonexclusive license to URI does not undermine publishers' abilities to support authors in this way.