Open Access Policy: Background Document
Submitted by the Open Access Advisory Group
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Executive Summary
The proposed Open Access Policy aims to promote public access to U of L research articles and to advance the public good of barrier-free information sharing, knowledge creation, and learning among scholars and citizens around the globe. The following comprise key aspects of the policy:

- applies to all scholarly articles by University authors that are accepted for publication after adoption of the policy
- University authors grant the University a non-exclusive license to archive and publicly disseminate in OPUS an electronic copy of the authors’ accepted manuscripts (AAMs) for non-commercial purposes
- OPUS staff will ensure that all publicly disseminated AAMs fully comply with publishers’ policies
- when publishers’ policies disallow public dissemination of an AAM, OPUS staff will notify the author that they should request a policy waiver for the article, which will always be granted
- the University Librarian will be responsible for the policy, including provision of requested waivers

1. Introduction
“Open access” (OA) refers to scholarly works that everyone may freely access online with few copyright or licensing constraints besides proper attribution.¹ OA and the related broader concept of open scholarship were central themes of the GFC Library Committee’s 2017 and 2018 annual joint meetings with faculty library representatives and librarians. The richness of those discussions and growing awareness of OA’s potential to alleviate some imbalances in the scholarly communication system led the Committee to adopt a plan in April 2018 to investigate the viability of an OA policy for the University of Lethbridge.

An OA Advisory Group² was convened in the summer of 2018 to draft a policy and map out a process and timeline for educating our community about the initiative. Over the Fall 2018 and Spring 2019 semesters, subject librarians sought opportunities to present on the initiative at faculty council and departmental meetings and to other campus groups and offices, including Research and Innovation Services, graduate students, and post-doctoral fellows. The librarians also invited feedback on a preliminary draft policy posted on the OA Policy Initiative webpage.

¹ For further information on OA, see the Library’s Open Access guide and Peter Suber’s 2012 book, Open Access.
² Current members: Rene Barendregt, Jennifer Mather, Ian McAdam, John von Heyking (Arts & Science); Adriane MacDonald (Business); Christy Audet, Thelma Gunn (Education); Ken Allan (Fine Arts); Mark Zieber (Health Sciences); Nathir Haimoun (GSA); Claudia Malacrida (ORIS); Nicole Eva, Rumi Graham, Chris Nicol, Emma Scott, Rhys Stevens (Library).
2. **Purpose and Scope**

The purpose of establishing an OA policy for the U of L is twofold: i) to showcase U of L research by promoting reliable, permanent, public access to scholarly articles by U of L authors and ii) to advance the public good of free-flowing intellectual conversation, information sharing and collaborative knowledge creation among scholars and interested individuals around the globe.

The scope of the proposed policy is all scholarly articles authored or co-authored by U of L faculty, graduate students and post-doctoral fellows that are published after the policy is adopted.

3. **Context**

For more than 350 years researchers have published their work in scholarly journals without expectation of payment, as they pursued knowledge and explored solutions to the world’s many puzzles and problems. Scholarly articles today remain a common mode of disseminating the fruits of scholarship, but the ability to read them is usually paywalled. Meanwhile, academic libraries struggle to provide access to the scholarly literature needed by the research communities they serve in the face of perennial price hikes and a sustained economic climate of stagnant or shrinking funding levels for university libraries.

To alleviate the access problem, over the past 10 years funding agencies have begun to mandate public access to research outputs arising from public funding. Following the lead of the U.S. National Institutes of Health as well as Research Councils UK, Canada introduced an [Open Access Policy](http://www.opus.ucalgary.ca) in 2015 requiring all Tri-Agency grant holders to ensure their scholarly articles on Agency-funded research are publicly accessible no later than 12 months after publication. A researcher can comply with the policy in two ways: by publishing in an OA journal, and by making the author’s accepted manuscript (AAM) publicly available in a disciplinary or institutional research repository such as [OPUS](http://www.opus.ucalgary.ca).

4. **Rationale**

As a matter of principle, the public should have barrier-free access to publications arising from research at publicly funded institutions like the U of L, especially when we consider that authors and peer reviewers of scholarly articles provide their labour to publishers without financial compensation. This is not to deny that subscription-based journal publishers have a legitimate interest in controlling uses of the final version of record (VOR) for published articles. The public interest is not well served, however, when the only lawful access to scholarly articles lies behind publishers’ often prohibitively priced paywalls.

The majority of academic publishers (e.g., Elsevier, Sage, Springer, Taylor & Francis, Wiley, Cambridge University Press, Oxford University Press, Academy of Management, Human Kinetics, Royal Society of Chemistry, American Sociological Association, Canadian Psychological Association) already permit archiving of AAMs in research repositories such as OPUS, although public access is often delayed by a publisher-imposed embargo period.

The proposed OA policy honours university authors’ academic freedom to control their intellectual property and to choose appropriate venues for their scholarly publications. If an
author’s chosen publisher does not allow the AAM (or VOR) for their article to be made publicly accessible in research repositories, the author can request a waiver for that article, which will always be granted with no questions asked.

Rampant unlawful access to the scholarly corpus poses another threat to the sustainability of the current scholarly communication system. Adopting an institutional OA policy is a positive step that has good potential to help advance the transition to a more robust, equitable, globally accessible, and copyright-compliant system. It is a step that many other institutions have taken successfully over the past 10 years.

5. Researcher Benefits

Establishing and adhering to the proposed OA policy will bring many benefits to U of L researchers including the following:

- assistance in meeting Tri-Agency Open Access Policy requirements for grant holders
- a clear citation advantage for OA articles over traditional paywalled articles
- greater visibility and impact
- greater article usage and social media attention
- lawful public access to researchers’ scholarly articles; it is notable that the policies of many publishers disallow posting of the VOR on commercial academic networking platforms such as Academia.edu and ResearchGate, and prohibitions may extend to the AAM as well
- enhanced academic reputation
- convenient public access to a researcher’s published articles in one place in OPUS.

As the benefits of the policy could be limited if few publishers permit public archiving, the Library explored the following question: What proportion of U of L authors’ articles can be publicly disseminated in OPUS? Using multiple indexes, an attempt to identify all articles published by U of L authors in the period 2014 to mid-2018 yielded a total of 1,676 unique articles. For each article, the publisher’s policies were consulted to determine the permissibility of publicly archiving the VOR or AAM in OPUS and whether an embargo period was required.

The findings were surprising. Fully 97% of the articles could be made publicly available in OPUS (with or without embargos): 69% as AAMs and 28% as VORs. For just 3% of the articles, either the publisher’s policies did not permit public archiving of any kind or the publisher’s policies could not be determined. Nonetheless, a mere 8% of the 1,626 articles that could have been publicly archived were in fact available in OPUS.³

6. The Policy in Practice

This section provides an overview of the anticipated process for ingesting article submissions into OPUS. If adopted, the policy will apply only prospectively to articles that have not yet been accepted for publication. U of L authors will be asked to forward an electronic copy of all AAMs

³ For more details, see the Spring 2019 issue of Library Lore.
to opus.library@uleth.ca as soon as they receive notice of acceptance for publication, along with the source title, article authors, publisher, and expected publication date, if known.

Upon receipt of a submitted AAM, OPUS staff will determine whether the publisher’s policies permit public archiving of the AAM or VOR, and if an embargo period is applicable. When a publisher’s policies on public archiving in research repositories is unclear, OPUS staff will contact the publisher directly. After this determination, the submission will normally be processed in one of the following three ways.

a) VOR in OPUS: If an article is published in an OA journal, the publisher’s VOR is usually eligible for immediate archiving in OPUS, often under a Creative Commons license. In such cases, OPUS staff will wait for the VOR to be published, and then add the VOR to OPUS. e.g., https://opus.uleth.ca/handle/10133/5213

b) AAM in OPUS: If an article is published in a non-OA journal, the publisher’s policies will be consulted to determine whether the AAM may be publicly archived in OPUS and under what terms. If there is a required embargo period, the allowed version will be archived in OPUS with public access suppressed until expiry of the embargo. e.g., https://opus.uleth.ca/handle/10133/3282

c) No public archiving in OPUS: If a publisher’s policies prohibit public archiving of the AAM and VOR, the AAM will be archived in OPUS with public access permanently suppressed. OPUS staff will inform the author that they should request a policy waiver for the article, which will always be granted.

Because it is common practice in some disciplines to cite only the VOR in formal publications, when the AAM is the only version that may be publicly archived, OPUS will offer a link to the VOR, when available, as well as the option to “REQUEST a copy of the final published version.” e.g., https://opus.uleth.ca/handle/10133/4516. Such requests will go to the OPUS email account where staff will forward them to the U of L author for a decision. Information on the possible applicability of sharing a copy under fair dealing will be available from the University Copyright Advisor.

7. Draft Policy Feedback and FAQs

A preliminary draft policy was posted on the OA Policy Initiative webpage in July 2018 and a final draft policy was posted for review on the University’s Institutional Policies and Procedures website from June 3 to July 26, 2019. Concerns raised in feedback received on the drafts have been captured in the FAQs section of the OA Policy Initiative webpage. The following FAQs address concerns raised in feedback on the final draft policy received to the end of June 2019.

What will happen if researchers don’t follow the policy?

Will I have to spend a lot of extra time reading my author publishing agreements carefully to ensure they don’t conflict with the policy?

4 The main information sources will be SHERPA/RoMEO, publishers’ websites, and direct contact with publishers as needed.
Does the draft policy violate the Faculty Handbook (FH) article on intellectual property?
Why does the draft policy require faculty to cede significant rights to the University?
Does the policy really need to grant “irrevocable” permission to archive articles “in any medium”?
Won’t adoption of the draft policy harm small scholarly presses?
Shouldn’t ULFA be involved in the resolution of disputes arising from the policy?

References


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