

Open access gets tough

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Open access has come of age in the UK. After a decade in which academic librarians have found it hard to get open access on to the university agenda, it is now difficult to get it off. University senior managers and researchers are all preoccupied with it to an unprecedented degree. Policy decisions are being made by government, funders and universities themselves which will have profound implications for the future in a context that is complex, fast moving and beset with misconceptions. In this article, the author tries to shine some light on the issues under consideration and offer some prescriptions for future progress.

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Introduction – open access just got tougher

I've got a dog called 'Open Access' and here's how he looked a couple of years ago:



I used to take him round the campus with me in Liverpool. In fact, I occasionally used to take him to our research committee with me. He was so quiet and well behaved that, quite often, people didn't even notice he was there; but when they did see him, they loved him! In fact, our governing body so loved him that they passed a resolution saying that *everyone* ought to have a dog like him. It didn't make a lot of difference: as you know, mandates in universities are singularly ineffective.

Anyway, a couple of years elapsed and I fed him on Finch's patent dog food, for healthier



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110 bones and a glossier coat. And look at him now:

He's still there on campus. In fact, he gets angry if I don't take him around with me. But he's wildly out of control now, slavering, barking, his mouth flecked with foam. I keep telling people that he's just playful; that he doesn't mean any harm. But it's difficult. Arts and humanities academics seem to bring out the worst side of him; and he has a particular fear of Russell Group Pro-Vice Chancellors for Research.

So how did open access (OA) publishing get to this state? In this article I want to do three things:

- talk about what's happened already
- summarize where we are now
- give you some thoughts about what we do next.

"... open access is, like free trade, a borderless cause."

This gives very much a perspective on what is happening in the UK, but it is important to recognize that open access is, like free trade, a borderless cause. In the end this is not going to work as a 'Little Britain' endeavour. I'm delighted, therefore, that there were also presenters from other countries at UKSG this year so that we were able to have a more global perspective on the issues.

The story so far

Let's start with the history of open access. It is always good to give a bit of historical background; but in this case it is essential, because your interpretation of the history will very much condition what you think we should do now. If you think that open access was doing very nicely thank you, until Finch, RCUK and HEFCE started their reckless rampage, then you will disagree with a lot of what is about to be written.

Open access began to take off about the turn of the century. There was an early period of optimism, when we felt that it was such a luminously good idea that the world would quickly become converted to it. But, in the decade that followed the Budapest Declaration in 2002, what we got was gentle progress. Librarians put huge amounts of effort and creativity into the creation of institutional repositories; and we worked hard to persuade academics to put their articles into them. But it was hard graft, and according to a study by Laaslo and Bjork¹, in 2010 we had only got to a stage where about 2.7% of published articles were going into institutional repositories – despite the fact that most of the research councils mandated open access publishing several years ago and many universities adopted mandates which meant that, in theory, all the articles generated by their researchers should be available on an open access basis.

The Finch² view was that "Most universities in the UK, and in many other countries, have developed repositories, but the rate at which published papers have been deposited in them so far has been disappointing." This is not to say that the rate of progress of other forms of open access was *that* spectacular. In the Laaslo and Bjork survey³, we had reached a point where about 5.3% of total article output was in open access journals and 2% in hybrid journals.

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It is important to note, in telling the story of open access in the UK, that in general the UK government was very unsupportive of open access in its formative period. And indeed the Department of Trade and Industry maintained in 2004, responding to the House Of Commons Select Committee on Scientific Journal Publishing⁴, that there was no problem with access to journal literature: everyone had the access they needed through the inter-library loans system run by the public libraries.

What happened next? What got us from peaceful chugging along with open access to the present tumult and controversy? In popular legend, it has become the Finch Group; but I am not going to give a Finchocentric account of the last couple of years because that

111 is misleading. Finch was just one in a series of things which led to where we are now. It was not the Big Bang; and the most important thing about the Finch Report was not so much that it was written as that it was *asked for*. The real beginning of the turbulent age of open access was March 2011, when David Willetts convened a meeting of all the main stakeholders in scholarly communications to question us about why the rate of progress in open access publishing had been so slow, and to tell us that the question about open access was not *whether* it would happen, but *when* and *how*.

The Finch Group was set up to answer the question: how we can make a breakthrough in the volume of open access activity in the United Kingdom? What policy levers could be provided that might do that? As is well known, the recommendation of the Finch Group was that open access was best taken forward through 'gold' open access, with the funders setting aside funding to pay article processing charges (APCs). It also recommended that open access articles published under gold should be made available on a CC BY licence – one of the most liberal of the Creative Commons licences (and the one that means you don't need a team of lawyers to tell you whether you can reuse an article or not).

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Finch has taken lots of criticism for that decision, from people who felt that it should have put its authority principally behind 'green'. There were a number of reasons why it went for gold. Firstly, gold makes it possible to release articles on a liberal re-use licence, because the publishers generate their profits up front with the APC payment, so they don't have to protect the right to make further profit out of the article in the future. Secondly, and perhaps most importantly, the group had to come up with a dynamic intervention that would really accelerate the pace of progress towards open access. Speaking personally, rather than with my group hat on, funded support for gold open access seemed to be the only option that would more or less guarantee dramatic progress. If Finch had put its weight behind green, as most people said it should have done, what would that have meant in practice? It would have meant a mandate. And, if the history of open access has shown anything over the last ten years, it's that mandates by themselves are notably ineffective as a way of changing publishing behaviour among researchers.

Finally, gold is a form of open access that means an article becomes instantly available. The importance of that varies, perhaps, from discipline to discipline, but it's crucially important in fast moving scientific areas. Of course, the same immediacy could be achieved, in theory, by having green with a zero embargo period; and that's the prescription that's been most often offered to me by colleagues; but making that recommendation was beyond the realm of practical possibility for the Finch Group. Obviously, the publishers on the group would never have agreed to it, so it would have split the group and we would have had absolutely no influence over government policy. It would have been a thoroughly silly and self-defeating thing to do. And it is not just that it would not have worked in the context of Finch, because there were publishers on the group. Whoever recommended it, the Department for Business, Innovation & Skills (BIS) would not accept it, because of the damage they believe it would do to a sector that is a major employer and successful exporter.

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What happened after Finch?

Plenty of reports commissioned by government lie mouldering on the shelves of libraries – worthy, but with little practical impact. However, Finch was acted on quite quickly.

The Research Councils UK (RCUK) were first off the blocks. They released a draft policy which said that the researchers they funded had to publish on an open access basis in journals which complied with their policy. In order to comply, a journal had either to provide a gold option or a green option with a maximum six-month embargo period (or 12 months in the case of humanities and social sciences). They also made enough funding available for about 45% of articles generated from their projects to be made available through gold open access.

112 RCUK got quite a clobbering for this rather bold policy from a number of different directions; and not much covering fire from librarians, unfortunately. The publishers were upset about the embargo periods and the Russell Group were upset about the general prescriptiveness of the approach and the expense at a time when research budgets are under considerable pressure. In the face of this, Research Libraries UK (RLUK) had to make a number of significant concessions.

Firstly, RLUK has allowed longer embargo periods for green when the publisher provides a gold option. Elsevier are, interestingly, interpreting that as allowing for 48-month embargo periods. Secondly, RLUK is talking about the move towards compliance being 'a journey'. So, whereas the initial wording of the policy suggested that 100% of articles published from April 2014 onwards had to be open access, RLUK is now saying that 45% of articles have to be published on an OA basis this year, but it is not being prescriptive between gold and green. And you can do what you like with the other 55% of articles. So really that's a considerably less rapid gallop towards open access than was originally contemplated.

"If HEFCE sticks to its guns on this one, it will be a game-changer."

The next significant development was the release, at the end of February 2013, of a document from the Higher Education Funding Council for England (HEFCE) giving notice of their intention to enter into consultation about their open access policy later this year. The document actually looked like a draft policy, but they were careful to describe it as 'setting out their developing intentions'. The experience of RCUK has obviously predisposed them to caution.

HEFCE's proto-policy is more tentatively worded than RLUK's policy, but there is real bite to its central proposition – that in order to be submitted to the Research Excellence Framework (REF) 2020, research outputs, subject to exceptions still to be agreed, have to be made available in open access form. If HEFCE sticks to its guns on this one, it will be a game-changer. It will mean that what researchers consider to be their best outputs will be available on open access. And since outputs have to be published in open access form, subject to embargo periods in the case of green, at the point of publication, UK academics will have to hedge their bets and publish most things on an open access basis; because they will not know in, say, 2016, which of their articles they are going to submit to REF.

The tone of the HEFCE document is much more even-handed between green and gold than the RCUK policy. There is none of the strong encouragement towards gold that you find in Finch and the RCUK policy. On the other hand, since RCUK is no longer being prescriptive about the split between gold and green, it may be that this supposed difference boils down, in practice, to nothing more than that, while RCUK is making funding available for gold open access, HEFCE is not. HEFCE's attitude to funding open access is more or less one of: 'You can spend your money on what you like as long as it supports the generation and dissemination of research'.

On licences and embargo periods, HEFCE appears to want to align itself with the RCUK approach.

What do we do now?

That brings us to where we are now. The RCUK policy alone, even in its slightly attenuated form, is likely to deliver a much greater jolt of energy to open access publishing than anything that came before it. And if the eventual HEFCE policy is anything like the pre-consultation consultation document, there really will be grounds for saying that Britain has become the first open access nation. It is not surprising, then, that the conventional wisdom is that the triumph of open access is assured ... which is great because that means we don't really have to do anything but watch the hidden hand of historic inevitability do its benign work ...?

"... there is nothing inevitable about the triumph of open access."

Actually, sorry, no: there is nothing inevitable about the triumph of open access. The current surge of open access thought and activity in Britain is the product of a delicately poised

113 and contingent set of historical circumstances that may not soon be repeated. We have a Minister of State for Universities and Science who has a genuine belief in the importance of open access. We have key figures in the two major funders of research, David Sweeney at HEFCE, and Mark Thorley at RCUK, who are very strong supporters of open access. That is a very lucky conjunction of circumstances and we must make sure we exploit the rather unlikely opportunity we have. “There is a tide in the affairs of men/ That, taken at the flood, leads on to fortune”⁵; but the tide will go out as quickly as it came in. There will be a government reshuffle perhaps; and our little open access boat may be left stranded on the sands of time.

So we have to be resolute and, without in any way suspending our critical faculties, we have to give strong support to the actions of those who are trying to create an open access Britain. We have to make sure that our professional bodies give that support, and issue statements which – even if they do pick up on the inevitable flaws and defects and downsides of proposals from HEFCE and RCUK – sound strongly positive. Because if we don’t, those who believe that open access is an expensive and distracting sideshow will win the day. We need to get into our minds the fact that the choice we have is not between little or no open access on the one hand, and perfect open access on the other. The choice, in this fallen world, is between little or no open access and an imperfect and flawed, but at least reasonably extensive, form of open access on the other. If we wait for the perfect option to emerge we will wait forever.

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And we ourselves have to provide intelligent advocacy for open access. We have to have ready answers to the questions academics are going to ask us – I was going to say “even the daft ones”, but, actually, particularly the daft ones, like: “Does Creative Commons mean I’m not allowed to use quotations any more?” or “Does open access mean you just pay to publish and there isn’t any peer review?”.

We have to strive to make gold open access work optimally too. By making it work, I mean we need to work with publishers to ensure that there is no double dipping and that we develop a genuinely competitive and transparent APC market, where authors have a genuine choice between a set of attractive publishing options – in terms of impact, prestige and cachet, but in terms of price as well. We know that we have a hugely dysfunctional market in subscription publishing, where there is far too little transparency, so little price pressure on publishers that 35% profit margins are not uncommon, and that the big deals mean that there is no real competition at the level of individual journal. And the librarians here know that our failure to bring effective price pressure to bear on publishers is partly because we insulate researchers and academic departments too effectively from the consequences of their journal choices. We have to make sure that we don’t reproduce those faults in the APC market.

I want to finish by saying that we are privileged to be the principal actors in this remarkable transformation in the dissemination of knowledge. We are on the cusp of being able to make the best that has been thought and said available on a larger scale than we would ever have thought possible. We are on the brink of a breakthrough that will democratize access to scholarship, give the poor the same access to knowledge as the rich, and accelerate the progress of science and medicine so that we make better headway against the challenges that will face our world in the coming century. But it’s not the time to relax; there’s nothing inevitable about any of this. It’s time to get to work.

“... we need to work with publishers to ensure that there is no double dipping ...”

References

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4. House of Commons Science and Technology Committee (2004) *Scientific Publications: Free for all?. Tenth report of the session 2003/4*.
5. Shakespeare, W, *Julius Caesar*, Act 4, Scene 3.

UKSG Conference 2013 – Plenary Session 1 (on which this article is closely based), Youtube:

<http://www.youtube.com/watch?v=vwBOM4Rl7Bw>

Slides from the above Conference:

<http://www.slideshare.net/UKSG/1030-sykes-open-access-uksg-phil-sykes-april>

Acknowledgments

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