Written Evidence Submitted to the House of Lords Science and Technology Committee Inquiry into Open Access

Submitted in a personal capacity by Dr Meera Sabaratnam, University of Cambridge, and Dr Paul Kirby, University of Sussex.

Executive Summary

We have prepared this written evidence as Early Career Researchers who have been closely engaged with the open access (OA) policy area and its developments for some time, and who plan to pursue careers in the British Higher Education system. Our writings about open access have been very widely circulated amongst British and international academics online.¹

This paper sets out our concerns in four broad areas:

• In relation to academic freedom, where we highlight the possible role of non-expert committees in selecting which papers will be funded by Article Processing Charges (APCs) and the corresponding effect on journals;

• In relation to wasted resources, because of the negative impact on research funds likely to result from the reorientation of scarce monies towards APCs and because of the increased burden on academic time in administering the funds;

• In relation to academic inequality, where the privileging of 'gold' or APC routes will give an advantage to wealthier individuals and institutions and where there will be potentially serious disadvantages for doctoral students and others;

• In relation to the control of research outputs, where the proposed licence will allow external parties to exploit academic findings without payment or reinvestment in the academic system;

1. Introduction

1.1 The Committee’s Inquiry into the implementation of the open access policy is extremely welcome, as scrutiny of this controversial policy and its possible ramifications has been hitherto extremely piecemeal. Moreover, the implementation of the policy is taking place on an accelerated timeline that has not allowed for proper reflection on its proposals and effects on the wider sector. We have been heartened by some of the lines of questioning pursued by members in the first session on 11th January 2013.

1.2 We have been strong advocates for open access in the social sciences, and believe that all publicly-funded research (at a minimum) should be available without charge, in its full peer-reviewed version of record, as soon as it is published (whether online or in print). But whilst we are strongly in favour of

¹ Our Paper on OA policy which raises these issues has been visited more than 7,000 times, having been widely shared on social networking sites: http://thedisorderofthings.com/2012/12/04/open-access-hefce-ref2020-and-the-threat-to-academic-freedom/. It is also available as a PDF here: http://thedisorderofthings.files.wordpress.com/2012/12/open-access-hefce-and-ref2020-position-paper3.pdf
open access as a principle, we have major concerns about the implementation of this policy along a gold-dominant route and its negative consequences for the majority of academic researchers in the UK. Many academic colleagues have recognised our assessment of the possible scenario as both serious and realistic.

1.3 We wish to raise four key areas of concern: academic freedom, wasting resources, academic inequality and control over research outputs. These are of particular importance to ordinary researchers without access to particular grant funding and large institutional endowments.

1.4 We are particularly concerned that responsibility for these consequences has not yet been clearly assumed by any of the parties involved in advancing the policy – the Working Group, RCUK and BIS. We hope that the Committee will be successful in eliciting some recognition and responsibility for the substantial changes underway.

1.5 We are also concerned that insufficient attention has been paid to the differences in funding level and research form between STEM (Science, Technology, Engineering and Mathematics) and AHSS (Arts, Humanities and Social Science) subjects. Many assumptions about the affordability of open access charges seem to come from the experience of STEM researchers, and do not reflect the current funding environment faced by AHSS subjects, which are already dealing with substantial funding shortfalls as a result of recent government reforms to higher education.

2. Academic Freedom

2.1 Academic freedom is compromised by the gold route to open access, which is a ‘pay-to-publish’ (or ‘pay-to-say’) system, because institutions and academics will have to bid for the funds to publish their work. This means that unless academics 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 Research Excellence Framework (REF) and impact agendas, meaning that lots of potentially valuable work will go unfunded.

2.2 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. This has serious consequences for one’s academic career prospects.

2.3 Additionally, many non-UK journals may not be open access compliant, preventing UK academics from publishing in them.

2.4 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. Although many journals have declared that they would not do this, it is difficult
to see how a gold business model could actually be viable if they do not, since everyone could just refuse to pay.

2.5 Although it may be argued that academics can simply publish in green rather than gold journals, matters are not so simple. Journals are not simply repositories for articles, but are also (for better or worse) status symbols in the job market and are closely linked to reputation for academic and non-academic audiences alike. Different journals also specialise in particular intellectual traditions and interest areas. Since journals with a strong academic reputation have an interest in charging higher APCs, deciding to publish in green-compliant or non-compliant journals is very unlikely to be a cost-neutral decision.

2.6 Overall, the gold system would thus limit academic freedom through introducing a layer of institutional vetting which would structurally discourage academics from pursuing the lines of inquiry and publication outlets they judge best. Rather they are incentivised to fall in line with whatever this particular committee is most likely to fund, based on bureaucratic criteria and non-expert judgements.

3. Wasting Resources

3.1 There is a huge shortfall in the money being provided by RCUK to kick-start gold open access given the amount which would be required to fund current research outputs. Even the best-funded institution, the University of Cambridge, has identified a shortfall of around £495,000 in 2013/14 for the budget required to meet the minimum RCUK compliance levels of 45%. The Open University has estimated that to get to the minimum suggested 45% level for ‘gold’ open access, they would need to spend £740,000 per annum, against the RCUK block grant of £78,000. 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.

3.2 Moreover, despite the insufficiencies in open access funding, this is not new money but instead has been drawn from the existing science budget. So it is already the case that open access funds are being distributed at the expense of new research. Whereas funds for open access publishing could previously be added to budgets when applying for research grants, RCUK have announced that from April 2013 onwards these can only be funded through institutional block grants. In a context of tightening funds, institutional

---

2 Paper for Information to the General Board, Open Access Working Group, University of Cambridge, 18th December 2012: http://openaccess.lib.cam.ac.uk/qa.html
3 ‘Implications for individual researchers’, Presentation by Dr Tim Blackman, Academy of Social Sciences Conference on Implementing Finch, November 29th 2012: http://www.acss.org.uk/docs/Open%20Access%20event%20Nov%202012/Blackman%20-%20Implications%20for%20individual researcher%5D.pdf
4 Geraint Jones, 'UK government earmarks £10m for open access publishing', The Guardian, September 7th 2012: http://www.guardian.co.uk/science/2012/sep/07/uk-government-open-access-publishing
spending on gold open access will therefore reduce funds that would otherwise have been available for research itself. Given the estimates of funding shortfalls, even at the most prestigious universities, the cumulative effect of these changes will likely be serious.

3.3 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 much harder, and they will by definition be badly placed to judge the work on its quality, since they will have to evaluate work on general grounds, rather than from a position of close familiarity with the specific sub-fields or issue areas in question.

3.4 Moreover, important ambiguities will have to be resolved: will work that has received reject or revise decisions from journals be eligible for further APCs? If APCs are only to be paid once articles have been accepted, and do not therefore truly cover the ‘processing’ costs of publication, will an incentive to publish more work emerge (since the more work is published, the more journals will receive in revenue)? 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 REF cycle? Who will pay the APCs for PhD students, who are not currently returnable as part of an institution’s REF submission, but who are most in need of prestigious publications to secure their first academics jobs?

4. Academic Inequality

4.1 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. Since green compliance in the RCUK guidelines allows for journals to impose embargoes of up to 12 months on open access publications, articles published via green route will not be ‘open’ to the same degree as those published on the gold route. Especially where articles are of pressing importance for public debate, this will create a further inequality within open access, with richer individuals and institutions able to attract more attention (from journalists, think tanks, non-academic experts and the general public) to their work than will be the case for those publishing on the compliant green route. This will in turn lead to higher citation and impact for gold articles, which in turn will increase academic reputation for individuals and institutions opting for gold open access.

4.2 The money forthcoming to support universities in the transition period has also been distributed highly unequally. In effect, this amounts to a state subsidy for the richest institutions so that they can get ahead of developments and are best cushioned against the anticipated disruption, leaving others to
fend for themselves in a time of cuts. The initial £10m pot for 2012-13, to help develop systems for open access publishing including university repositories, was split unevenly between just thirty universities. The pots for 2013-14 and 2014-15, exclusively to support gold open access, are distributed according to labour costs charged to RCUK 2009-12. RCUK argues that this is an appropriate proxy for “research effort”. Again, the outcome of this is highly uneven, with the University of Cambridge being awarded £1.15m for 2013-14 compared to just £6,220 for the University of East London.6

4.3 However, there are several problems with arguing that ‘research effort’ in universities can be measured by proportion of RCUK labour costs, and using these as a basis for distributing APC funds. First, it excludes all the research that is undertaken without grant funding. This is the majority of research within Arts, Humanities and Social Sciences, where researchers traditionally work independently through time furnished within ordinary salaried work and sabbaticals. Second, it skews the distribution in favour of those grant winners who have best met RCUK funding priorities over the last few years, i.e. those that have chosen to follow the government line in their research, penalising those following other paths. Third, if RCUK and HEFCE, as they have indicated, use open access compliance as a decision criteria for future grant-making and QR funding, it is clear that those already disadvantaged in this round will have that disadvantage compounded and deepened in further rounds of grant making. Cash-poor institutions will have to choose whether to move resources from other budgets into OA funds to protect chances of getting future research funding, or whether to not bother. This has serious consequences for the broader aspirations of the academic staff working at such institutions, who are keen to do their own research and have that research considered on a level playing field with that produced internationally. Moreover, it may have consequences for research-led teaching in these institutions.

4.4 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.

5. Control Over Research Outputs

5.1 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

6 See the RCUK spreadsheet summary: http://www.rcuk.ac.uk/documents/documents/RCUK_APCfundDistribution.pdf
removes many of the key rights of authors over their work, and is strongly opposed by the British Copyright Council.

5.2 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.

6. **Questions Which Arise From Our Concerns**

6.1 How are non-expert institutional committees meant to decide which research to fund? Will they prefer some journals over others? Is the task and function of these committees not broadly incompatible with principles of expert peer review and academic freedom?

6.2 The Government has provided only partial funding for the transition, which has been sourced from existing research budgets, and has done so extremely unequally across different institutions. Can RCUK defend such an uneven distribution of open access funds, and has it considered the consequences of this for the production of research across the UK?

6.3 Will this uneven distribution not prevent the majority of institutions from successfully producing policy-compliant research in the future? Will this not structurally disadvantage academics at institutions without the money to pay APCs? Do the Government and RCUK accept that this could be extremely destabilising for the majority of researchers?

7. **Conclusion**

7.1 We are concerned that the implementation of this policy will have very negative consequences for the majority of academic researchers and institutions, who will not be able to afford APCs, and we urge all stakeholders to take these concerns seriously.

7.2 Given these concerns, we urge a reconsideration of the model for achieving open access, and in particular the role of government funds in ensuring the free circulation of scholarly work without reducing funds for research, teaching or other academic activities themselves.

7.3 We thank the Committee for the opportunity to submit Written Evidence to share our concerns about the policy, and look forward to seeing the conclusions of the Inquiry.

18th January 2013

**Contact Details**

Dr Paul Kirby  
Department of International Relations  
Arts Building C  
University of Sussex  
Falmer, Brighton  
BN1 9RH