Open Access Mandates

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OPEN ACCESS MANDATES: 7/09

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1. Funder Mandates: Several public and private organizations that grant funds for research require their grant recipients to comply with some level of open access publishing.

   NIH Public Access Policy (effective 4/08) Requires scientists to submit final peer-reviewed journal manuscripts that arise from NIH funds to the digital archive PubMed Central. Articles must be made accessible to the public no later than 12 months after publication. Publishers oppose the law, claiming it takes unfair advantage of publishers’ work (such as editing and peer-review) and diminishes copyright. More information: http://publicaccess.nih.gov/

   DOE Institute of Education Sciences (effective 3/09) Institute-funded investigators must submit final, peer-reviewed manuscripts upon acceptance for publication. Manuscripts become available to the public through ERIC no later than 12 months after publication. More information: http://ies.ed.gov/funding/

   Howard Hughes medical Institute (HHMI): (effective 1/08) HHMI authors must deposit the peer-reviewed article into PubMed Central or another repository within six months of publication. More information: http://www.hhmi.org/about/research/policies.html#property

   MacArthur Foundation doesn’t have a mandate but encourages authors to deposit in OA archives. More information: http://www.macfound.org/site/c.lklXJ8MQKrlH/b.4804425/

There are currently two bills under consideration in Congress: one repeals the NIH Public Access Policy and the other expands it to other agencies:

   Fair Copyright in Research Works Act (HR 801, John Conyers,D-MI) First introduced 9/08 and again in 2/09 in response to the NIH Open Access Mandate. The bill would repeal the NIH Policy and prohibit the federal government from requiring any other federal agencies to require OA publishing for journal articles arising from federal funds. The bill is supported by publishers and the “Copyright Alliance,” a lobbying group. More Information: http://www.govtrack.us/congress/bill.xpd?bill=h111-801

   Federal Research Public Access Act (FRPAA; S1373) First introduced in 2006; reintroduced 6/09 by U.S. Sens. John Cornyn, R-Texas, and Joe Lieberman, I-CT. The bill proposes that federal agencies with an annual extramural research budget over $100 million implement public access policies similar to the NIH policy. Researchers would have to submit final peer-reviewed journal manuscripts that arose from federal funds to
a digital archive within 6 months of publication. The law would apply to the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Transportation, Environmental Protection, as well as the National Science Foundation, and NASA.


### 2. Institutional Mandates

Most university mandates are less than a year old and their details are still being developed. MIT is the only university-wide mandate so far. Other universities like Harvard and Stanford are adopting OA mandates on a school-by-school basis. All allow faculty to request waivers for specific articles, a point many OA advocates say could potentially undermine the mandates’ effectiveness.

**Harvard University**: Four of Harvard’s 10 schools have passed OA mandates and one more is currently considering a mandate. Researchers must deposit their peer-reviewed journal articles in the library’s repository (which is currently under development). Faculty can request waivers for individual articles. Schools include:

- **Harvard Arts and Sciences** (2/12/08; unanimous vote of the faculty)
- **Harvard Law School** (5/7/08; unanimous vote)
- **Harvard – JFK School of Government** (3/09; almost unanimous)
- **Harvard Graduate School of Education** (6/09)
- *Harvard Medical School* (currently under consideration) This mandate would also automatically fulfill author’s obligations to submit NIH-required articles to PubMed Central.


**MIT** (3/09; unanimous vote) has adopted a university-wide OA policy. Faculty are required to grant MIT nonexclusive rights to post their articles in the library’s repository. Faculty can request waivers for individual articles from the Provost.

Repository: [http://dspace.mit.edu/](http://dspace.mit.edu/)

**University of California** (10 campuses) Faculty grant UC nonexclusive rights to post their articles and conference proceedings in the California Digital Library repository. Faculty can request a waiver for a particular article. The UC Libraries has also begun an experimental agreement with Springer Publishers. The Libraries paid an undisclosed sum to Springer to publish all UC articles with full and immediate open access in all of Springer’s 2,000 journals, even if the rest of the articles in the journals are subscription-only.

Repository: [http://repositories.cdlib.org/escholarship/](http://repositories.cdlib.org/escholarship/)

**Stanford School of Education** (6/09; unanimous vote) Faculty deposit their articles in the SUSE OA repository. Faculty can request waivers for individual articles.

University of Oregon  Two schools have adopted OA mandates. Faculty give UO nonexclusive permission to make articles available in the library’s repository with a Creative Commons "Attribution-Noncommercial-No Derivative Works 3.0 United States" license. Faculty can request waivers.

UO Library (3/09; unanimous vote)
UO Dept. of Romance Languages (5/09)

Repository:  https://scholarsbank.uoregon.edu/xmlui/

3. Institutional Resolutions: Several universities have endorsed “Resolutions” which encourage but don’t require faculty to negotiate copyright with journals so that they can deposit articles in open access repositories. Many Open Access advocates feel that such resolutions have little effect. Schools include Case Western Reserve, Cornell, Temple University, etc. Two of the strongest are:

Boston University (2/09; unanimous vote) Endorsed a voluntary university-wide policy encouraging faculty to enter only non-exclusive copyright agreements with publishers and deposit journal articles in their OA repository.

University of Kansas (to be enacted in 2010) The first U.S. public university to endorse OA. It is unclear at this point if it is requires or just encourages faculty to deposit articles in the “KU Scholar Works” repository:
http://kuscholarworks.ku.edu/dspace/

4. Defeated Initiatives: So far there is only one OA policy in the U.S. to be defeated: the University of Maryland voted down an OA policy (4/09; defeated 37-24). The policy wasn’t even a mandate; it was simply a resolution encouraging faculty to self-archive and publish in OA journals.

5. News Sources: The Open Access landscape is changing rapidly. Keep up with the latest initiatives and legislation at:

Open Access News (Peter Suber)
http://www.earlham.edu/~peters/fos/fosblog.html

SPARC Open Access Newsletter (Peter Suber)
http://www.earlham.edu/~peters/fos/newsletter/archive.htm

Digital Scholarship (Charles Bailey)
http://digital-scholarship.org/

SHERPA/JULIET summarizes the OA policies of various organizations that grant research funds
http://www.sherpa.ac.uk/juliet/index.php
ROARMap summarizes Institutional Policies (not exhaustive)
http://www.eprints.org/openaccess/policysignup/