

REPORT of the UNIVERSITY of PITTSBURGH OPEN ACCESS TASK FORCE

Revised August 25, 2011, by the Open Access Task Force members:

Rush Miller, Chair; Cynthia Miller; Karen Shephard; Michael Madison; Steve Reis; Adam Shear

Recommendation

The members of the Open Access Task Force recommend that the Schools and Responsibility Centers of the University of Pittsburgh adopt the following addition to the University's copyright policy:

- A. University Retained Licenses in Scholarly Work.
 1. Course Materials. The University retains a non-exclusive, irrevocable, perpetual, royalty-free license in Course Materials created by the faculty in the course of employment. This license includes the right to create derivative works, but not the right to publish such Course Materials for dissemination outside the University, unless the provisions of Section II, A (2), below apply to any such Course Material.
 2. Scholarly Journal Articles. The University retains a non-exclusive, irrevocable, perpetual, royalty-free license to publish faculty and student Scholarly Journal Articles for dissemination outside the University pursuant to the University's Open Access Guidelines as defined in the "Report of the University of Pittsburgh Open Access Task Force" (revised August 25, 2011) and Policy; except when the publication agreement with the publisher for the Scholarly Journal Article prohibits such dissemination.

Introduction

When faculty members sign away copyright, as they usually do through publication contracts with publishers, they no longer necessarily have the right to use or permit the use of their work in ways that advance their own goals and the research and educational goals of the University and the Academy. Faculty may be unduly restricted in the dissemination and use of their work, e.g. their ability to post their work on the web, deposit it in long term preservation archives, or

create follow up or derivative works. These restrictions decrease the utility and impact of scholarship and may delay, diminish or hide the scholar's contributions to the progress of Knowledge.

Copyright ownership, however, comprises a bundle of rights, and copyright law allows authors to transfer some rights and retain others. Retention of all copyright rights allows an author full autonomy in the author's use of his or her materials, but an author may transfer some rights to a publisher and retain others, which achieves a balance between the publisher's goal and the author's goals of sharing the material to further scholarship.

University of California Open Access Policy Draft, January 29, 2007

The Senate Library Committee hosted a Senate Plenary Session in March 2009, entitled "Scholarly Publishing Today and Tomorrow: What You Need to Know." At that session, the University was urged to consider a policy mandating that Faculty place their scholarly articles into the University's institutional repository, D-Scholarship@Pitt, for open access dissemination to increase their impact and readership as well as the institution's reputation. Dr. David Shulenberger, an economist serving as Vice President for Academic Affairs of the National Association of State Universities and Land-Grant Colleges (NASULGC) and former Provost at the University of Kansas, gave the keynote address. The title of his speech was "University Research Distribution: From Option to Necessity," in which he provided a detailed analysis of the economics of journal publishing and the need for Universities to develop alternative outlets for research to commercial journals with steep and inflating costs to the academy.

In July 2010, Provost James Maher appointed an Open Access Task Force, which was charged "(to) carefully review the issues involved in open access publishing and to

provide to his successor, Dr. Patricia E. Beeson, an assessment of available options for formulating policies and procedures on open access publishing for faculty at the University of Pittsburgh.” Members of the task force were Rush Miller, Chair; Mike Madison (Law); Cynthia Miller (Press); Steve Reis (Medicine); Adam Shear (Religious Studies); and Karen Shephard (Law Library).

We, the members of the Task Force, have prepared the attached background paper on open access publishing that reflects the issues we discussed and our conclusions about the efficacy of open access publishing and the need for a policy at the University of Pittsburgh. We have reviewed the policies of a number of institutions, such as Harvard University, the University of California System, MIT, and the University of Kansas, and discussed the implementation of the MIT policy with the librarian there who is in charge of implementation. After fully deliberating all of the pros and cons, as well as the ramifications of such a policy, we believe that it would be in the best interest of the faculty of the University of Pittsburgh to adopt a policy similar to the one at MIT in which the faculty voted to grant to the University nonexclusive permission to make available their research articles and to exercise the copyright in those articles for the purpose of open dissemination. Faculty members at MIT still retain ownership and complete control of the copyright for their writings, subject only to prior permission.

At MIT, permission to opt out of this policy in order to publish in journals which refuse to grant such permission is given by the Provost’s Office. Implementation of the policy is delegated to the MIT Libraries, which operates the institutional repository. The

approach taken by the library is to discover the published articles and work with publishers, when possible, to exert the University's policy, to place a copy of the article in the MIT institutional repository. Additionally, the library works with faculty to encourage and assist them in placing their work in the repository. The policy facilitates discussion between the library and faculty members regarding the placement of faculty scholarship in the institutional repository, and the library assumes the duty of placing the material in the repository for faculty members. At MIT Libraries, there is overhead for this endeavor, but much of it has been accomplished by redirecting existing staff to this effort.

We believe that the MIT model would work best at the University of Pittsburgh. The ULS has in place an Office of Scholarly Communication and Publishing with expertise in scholarly publishing. The repository, D-Scholarship@Pitt, has been fully operational since 2009 and is administered by the ULS Office of Scholarly Communication and Publishing. Nearly 6,000 documents organized by the schools, programs and research centers present at Pitt have already been added to the repository to date. Institutional repository policy -allows authors to select Creative Commons licensing to specify how each submitted work may be used by others. Recently, the ULS added a position to this team to work with faculty on issues related to the institutional repository. Much of the necessary support and framework for such an open access policy exists already within the ULS.

One complication at Pitt is the large number of journal articles resulting from research conducted through grant funding from the National Institutes of Health (NIH). All of these articles are by law required to be placed into PubMed Central, a federally maintained open access repository. To require faculty with NIH grants to also place these articles into D-Scholarship@Pitt would be unreasonable in our view. Therefore, we recommend that placement in PubMed Central would suffice to meet a Pitt open access policy because material placed in PubMed Central is equally enduring and discoverable as that in our institutional repository. We recommend that the ULS be charged with ensuring that metadata is placed in the local repository for these NIH entries with links to the articles in PubMed Central to the extent possible. To accomplish this, the ULS will need to develop a mechanism to alert its Office of Scholarly Communication and Publishing when articles are submitted by Pitt faculty for inclusion in PubMed Central.

To summarize, we recommend to the University of Pittsburgh that faculty of each School and Responsibility Center adopt a statement granting to the University a nonexclusive permission or license to make freely available all articles that faculty members publish in scholarly journals, allowing the University to exercise the copyright in those articles for the purpose of open dissemination, unless permission to opt out is granted by the Provost or her designee. We believe that this policy would benefit the faculty in several concrete ways:

1. Expand the audience for their research, both at the University and globally.

2. Designate a permanent Internet location for the article and create a registered, unique identifier for each article that assures its accessibility over time.
3. Archive and permanently preserve articles placed in the institutional repository.
4. Facilitate discovery of each article in Internet search engines as well as open access databases and in the University's primary discovery tool, Pittcat+.
5. Foster the faculty's ability to freely share articles with colleagues and to use such articles in the classroom and course assignments, alleviating worries related to copyright adherence and infringement.
6. Allow for the association of related resources, such as research data, audio and video files, and links to other web resources, with articles in the repository.

The benefits to the University of Pittsburgh are:

1. Increase the global visibility and discoverability of the research output of the University of Pittsburgh and its faculty.
2. Support for the University's mission of service by disseminating research results within and beyond the academic community.
3. Readily demonstrate the high level of research conducted at the University

FAQ Related to this Proposed Policy:

Question: What is “Open Access”?

Answer: “Open Access” describes a family of copyright licensing policies under which copyright owners make their works available publicly, without access being limited to subscribers or purchasers of the material, and typically in online databases. Material in “open access” archives and databases is still covered by copyright law, but “open access” terms and conditions apply that specifically permit non-profit and scholarly uses of the work and that permit the copyright owner to include a limited number of other conditions, such as attribution of the work to the original author. “Open access” archives may include both copyrighted content and public domain content (such as works created by the federal government) at the same time. Open Access does not mean an “open door” for publication. Open Access archives include works that describe the results of research that Authors give to the world for the sake of inquiry and knowledge without expectation of payment. These works are often, but not exclusively, peer-reviewed.

For more information on the Open Access movement, see the accompanying background paper.

Question: Why should I care about Open Access?

Answer: Open Access offers a number of benefits to authors. Open Access helps authors disseminate their scholarly works to the broadest possible audience by eliminating the price and permission barriers of subscription journals.

Open Access speeds research progress, productivity, and knowledge translation. The quicker and more comprehensively research is made available, the faster other researchers and scholars can learn from, replicate, and otherwise use that work. Making your works available under Open Access principles also allows authors to share their research for the public good, not only with colleagues at the University of Pittsburgh but around the world.

Question: How does Open Access impact copyright for my scholarly works?

Answer: Works published under Open Access principles are protected by copyright. As the copyright holders, authors are simply making Open Access content available to a wider audience than content published in a subscription journal.

According to the traditional publication agreement, all rights —including copyright — go to the journal. Nevertheless, you, as the author of a work, would probably want to include sections of your article in later works. You might want to give copies to your class or distribute it among colleagues. And you would likely want to place it on your Web page or in an online repository if you had the choice. These are all ways to give your research wide exposure and fulfill your goals as a scholar, but they are inhibited by the traditional agreement. Making your articles available under Open Access guidelines helps you achieve these goals.

Question: Can I retain these rights and still publish my article in a ranked journal?

Answer: Yes. A growing number of publishers have adopted policies to allow placement of an author's final copy or in some cases, the published version, in an institutional repository. In these cases, no negotiation is necessary. Please visit the SHERPA RoMEO site, <http://www.sherpa.ac.uk/romeo/>, to help determine author rights for different journals.

In other cases, you can often retain these rights by negotiating with the publisher for them. The ULS recommends the SPARC Author Addendum, found at <http://www.arl.org/sparc/author/addendum.shtml>, which is a legal instrument that modifies the publisher's agreement and allows you to keep key rights to your articles. The Author Addendum is a free resource developed by SPARC in partnership with Creative Commons, <http://www.creativecommons.org>, and Science Commons, <http://science.creativecommons.org>, established nonprofit organizations that offer a range of copyright options for many different creative endeavors.

Question: Why should I place my article in Pitt's institutional repository?

Answer: Making your articles available under Open Access guidelines via D-Scholarship@Pitt, the University's institutional repository, provides perpetual and stable access to your work, while increasing its visibility and discoverability. You can

accomplish many of your scholarly goals—disseminating your research to the broadest possible audience, sharing it freely with colleagues and students, and finding a permanent place for it—by depositing your work in the institutional repository.

Question: The journal I want to publish my research in has a very restrictive policy about depositing in online repositories. Does the University's Open Access policy limit my choices for publishing in the best journals?

Answer: No, this policy is not intended to limit or adversely affect your publishing opportunities. If the publisher will not allow you to post a version of your article to the Pitt repository, you may still publish with that journal.

A citation-only record for your article will be created in the Pitt repository and a link to the permanent URL for your article will be added to the record, directing scholars to your published article on the publisher's website.

It should be noted, however, that often the publisher's requirements regarding posting your article to a repository may be satisfied by restricting access to the locally deposited copy to University of Pittsburgh users only or by restricting access for a period of time. The Office of Scholarly Communication and Publishing will investigate publisher's requirements to determine whether restricting access will allow a copy of your article to be posted to the Pitt repository.

Question: If I deposit my NIH-funded article in PubMed Central, do I also have to deposit it in the Pitt repository?

Answer: No, your only obligation under this policy would be to notify the ULS and provide the PubMed Central ID number (PMCID) for that article. The ULS would then add a record for the work and link to the full-text article from the local repository.

Question: Do I have to provide copies of all my previous publications for the repository under this policy?

Answer: No, the policy only applies to articles written after the policy's adoption by the School or Responsibility Center in which you work. Of course, you are encouraged to consider placing previous publications in the repository. In most cases, the publisher is probably the copyright holder for your articles and would need to give permission for you to place them in the repository. You can check your publishing agreement to determine whether they reserved the right to do this.

Question: This seems like a lot of work for me, and I am already busy teaching, conducting research, and writing. Is there assistance available to help me comply with this policy?

Answer: Yes. The ULS has established the Office of Scholarly Communication and Publishing and that office will deposit the scholarly works on behalf of University authors. The office will gather bibliographic information about each work, record this information in D-Scholarship, and seek permission from the publisher to deposit the author's final copy (pre-print) or the published version (post-print) in the repository.

Question: How will such policies ultimately affect the economics of journal publishing and/or the viability of the journal(s) I rely on in my discipline?

Answer: The primary subscriber base for scholarly journals is the library market. A recent survey of academic libraries demonstrated that libraries will not cancel journal subscriptions based on the availability of portions of the content in open access venues. Up to 50% of the content of some medical journals is now freely available in PubMed Central and libraries are not canceling those titles. However, all journal publishing is under stress because library budgets have been severely impacted by the recession of the past few years. While libraries will not cancel titles because individual articles are placed into open access repositories, libraries are cutting journal subscriptions and readership is declining for most journals. This policy is in no way designed to impact negatively journal publishing but to increase access to research.

Question: Does this proposed policy apply to monographs, conference proceedings, etc.?

Answer: No, the mandate only applies to journal articles in scholarly journals. However, other kinds of published material (with permission of the copyright holder/publisher) may be placed into the institutional repository.

Question: What if my publisher allows open access in a repository, but requires an embargo for a period of time?

Answer: Embargo periods can be set for articles and other items deposited into the institutional repository. During the embargo period access to the document will be restricted to University of Pittsburgh users.

Question: Why not just encourage faculty to archive their articles on departmental or personal web sites?

Answer: D-Scholarship has been designed to provide permanent, long term storage and preservation of the University's research output. Materials in D-Scholarship are indexed and made searchable in a growing number of Internet search sites. There are many other advanced features available to authors and readers of D-Scholarship@Pitt, such as sharing through social networking tools like Facebook and Twitter, receiving updates on new deposits through RSS feeds, many options for exporting citations for documents found in the repository and tracking of usage statistics at the document level. Advantages of the repository are that the material is permanently archived and available with a stable URL and registered unique identifier and the articles are indexed in a growing number of search sites.