

## **RCUK Policy on Open Access and Supporting Guidance**

### **A response from the Society of Biology**

The Society of Biology is a single unified voice, representing a diverse membership of individuals, learned societies and other organisations. We are committed to ensuring that we provide Government and other policy makers - including funders of biological education and research – with a distinct point of access to authoritative, independent, and evidence-based opinion, representative of the widest range of bioscience disciplines.

#### **The Role of Learned Societies**

1. The Society of Biology is pleased to offer these comments, gathered in consultation with our members and advisors for your consideration. The Society has individual Members and Fellows, many of whom are authors and editors and most of whom are readers of journal articles; we have Member Organisations, some although not all of which are learned publishers through their independent operations or under contract with commercial publishers; we have research funders and libraries, academic institutes and contract research organisations and Small to Medium Enterprises (SMEs) among our Members and Supporting Members. We therefore seek a well-balanced outcome that is robust, sustainable and recognises the needs and reasonable expectations of all parties.
2. Many learned societies view open access (OA) development as complex, for example it can assist their charitable objectives to maximise access to research outputs, while at the same time making uncertain their financial capacity for their future support of their discipline. The subscription model has been the dominant business model and therefore the one upon which many societies are reliant. Any shift towards OA introduces complexity and uncertainty into their finances and the potential for loss of income which could jeopardise the journals themselves as well as other major activities within their discipline: supporting the skills pipeline and career development; engaging with the public dissemination of science; and offering expert advice to policy makers. We therefore welcome the opportunity to engage further with RCUK and to initiate dialogue between RCUK and our membership of researchers and publishers wherever possible.

#### **The Need for Clarity**

3. We appreciate that OA policies that will deliver a sustainable and robust communication system are difficult to craft, and thus are still being shaped. However, any lack of clarity in policy and accompanying guidance for likely publishing scenarios is a serious issue, particularly where there is potential mismatch between the RCUK policy and guidance from other bodies such as HEFCE, and government. We welcome the review point set for 2014 in the first instance and look forward to adaptive development of policies based on well-gathered evidence. In the near term there is also a need for a brief and more accessible version of the RCUK's policy that can be easily used by authors and also used in journal author guidelines. The following response outlines our thoughts on the processes in need of clarification, and includes suggestions and concerns from the researcher and publishing communities in particular.

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## Author Processing Charges (APCs) and Author Freedom

4. Flexibility in terms of how to use the RCUK block grants is appreciated, but institutions are likely to use the funds differently, creating an inconsistent approach for researchers. An outline of what is considered appropriate or inappropriate use of these grants would be useful.
5. It is unclear how funds will be accessed by researchers and how money will be ring-fenced and managed by universities. It seems to have fallen to universities to establish their own effective mechanism for OA funding and budget control, but the interim disquiet among academics should be addressed. While there is no suggestion that RCUK should try to impose detail, guidance notes on best practice in handling and monitoring publishing budgets for institutions in receipt of (or in competition for) their funds, developed with stakeholders such as Universities UK, would be welcome. Within its 'Key Actions,' the Finch Report recommended concerted planning by relevant parties to develop fair systems<sup>1</sup>, it is not yet clear how these actions are underway, and whether successful systems are being shared.
6. It is not the responsibility of institutions or authors to 'ensure a proper market in APCs develops'<sup>2</sup>. Creating competition between publishers to force APCs down will not work unless OA is adopted outside of the UK. As The Finch Report notes, the UK's share of global published articles is only around 6%, and the Research Council funded share is a portion of this (business funded R&D, as a measure, was 45% of total in 2009). In addition, since government policy dictates that research outputs be made OA, there may be very little competitive drive for publishers to lower their APCs. We are aware of concern that for many hybrid journals, which currently process only a small percentage of their articles via APCs, the charged costs are not market-tested and it is just as likely that they will have been set below as above the price needed to sustain the journal.
7. If APCs apply across the board, it may be that some researchers will feel unable to submit their work to the most appropriate journal as they are unable to access funds to cover them. This has potential negative consequences for the international standing of UK science and UK scientists generally.
8. Guidance is urgently needed on how multi-author, multi-institution papers are to be processed. If authors come from different UK institutions, which institution will be expected to pay APCs, and how will this be administered within the research institution and publisher?

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<sup>1</sup> [Finch Report](#), Key Actions (p9), actors indicated in parentheses:

viii. Establish publication funds within individual universities to meet the costs of APCs, making use of dedicated moneys provided by funders for that purpose, as well as other available resources. (*universities*)

ix. Develop in consultation with academic staff policies and procedures relating to open access publishing and how it is funded. (*universities*)  
The issues to be considered should include:

- a. whether to promote open access publishing as the principal channel for all research publications
- b. how much funding should be provided to support the payment of APCs each year, the sources of that funding, and how the funds are to be administered
- c. how to work together with researchers, and in line with the principles of academic freedom, in making judgements about the potential for publication in journals with different levels not only of status, but of APCs
- d. how support for publication should be integrated with other aspects of research management, for example the development of research capacity, and support for early-career researchers
- e. policies relating to payment of APCs when articles are published in collaboration with researchers from other institutions.

<sup>2</sup> [RCUK Policy on Open Access and Supporting Guidance 3.5 iii](#)

9. International collaborations pose further concerns. Of the 6% of peer-reviewed papers published each year by UK researchers, nearly half of them are produced in collaboration with colleagues from overseas,<sup>3</sup> so guidance on this is a pressing problem and a significant need.<sup>4</sup> An international collaborator is unlikely to be RCUK-funded but, in many cases, will be the corresponding author and may not have the requirement or funds for OA. Further, if multinational collaborations including RCUK-funded authors are subject to more stringent UK mandates, will this make UK researchers less attractive to international collaborators?

### Commercial Confidentiality

10. RCUK guidance states that data need not be made accessible if there is a compelling reason to protect access, for example 'commercial confidentiality'. Aside from research conducted in partnership with industry collaborators on a larger overall research program, 'commercial confidentiality' could also apply to outputs where researchers wish to protect their intellectual property, potentially with a view to creating a spin-out company or other commercial venture, or where access to outputs may compromise national security.
11. Difficulties arise when academic researchers who are under considerable pressure to publish their results as quickly as possible are also looking for opportunities to commercialise their research. For the purposes of clarity, RCUK should provide more detail about what commercial confidentiality allows, including a greater consideration of the rationale for protecting access to data.

### Embargo Periods

12. We agree with statements from the House of Lords Science and Technology Select Committee that clarity is needed on the embargo periods where a researcher wishes to publish under the gold model but there are not adequate funds<sup>5</sup>. Our understanding of the policy is that if a journal offers gold open access then the author should either pay to publish or publish green with a 12 month embargo. It is only if the journal does not offer an OA option that the 6 month embargo comes into play. The policy needs to be amended to make this completely clear.
13. The RCUK states that where "an author's preference is 'pay-to-publish' and their first choice of journal offers this option, but there are insufficient funds to pay for the APC, in order to meet the spirit of the RCUK policy, the Councils prefer the author to seek an alternative journal with an affordable 'pay-to-publish' option or with an option with embargo periods of six or twelve months."<sup>[2]</sup> If authors do not know if APCs are available until their article has been accepted, this could run counter to the imperative to publish research in a timely manner. It may necessitate re-starting the submission process with a new journal and may be a significant time draw if new rounds of peer review and editorial consideration are required.
14. While RCUK may wish to encourage journals to offer OA routes via APCs and dissuade authors from non-OA journals, the requirement for an embargo of no more than six months for journals not offering a gold option is less likely to achieve this than it is to sow confusion and add complications.

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<sup>3</sup> [Finch Report](#) p18

<sup>4</sup> [Finch Report](#) p38

<sup>5</sup> [Letter from Chairman of the House of Lords Science and Technology Select Committee to RCUK, 20 March 2013](#)

<sup>[2]</sup> [RCUK Policy on Open Access and Supporting Guidance 3.6 iii](#)

15. The road from journal choice by an author, through manuscript production in the required style, peer review and acceptance is long and the institutional budgetary capacity over that period is likely to fluctuate; this is not in the control of the author. Successful acceptance in a good journal of choice is the preferred outcome, and a completed process the aim. Guidance to inform authors on how to make a good choice of journal from the funder and institutional perspectives (and to fit their objectives/requirements) would be far better than post-hoc restrictions. To this end we welcome the development of tools such as Sherpa-FACT<sup>6</sup> and look forward to detailed and clear guidance from the Councils on considerations including Impact Factors.
16. The effect of the six-month maximum embargo period mandated by RCUK on publication readership and subscription will vary according to discipline. The wide range of readership (and therefore supply/demand) patterns within the life sciences should be properly recognised; this is not just an Arts & Humanities versus STEM difference. Articles from some STEM disciplines (such as environmental science) will have a long half-life, and the journal will be valued by the community ten years after publication. In other disciplines where the need for timely scientific exchange is vital, an embargo longer than six months may be problematic. In contrast, for disciplines with a long half-life, an expected decline in journal subscriptions due to a short embargo period would make certain journals economically unsustainable. The embargo period will also impact differently on the range of article types (for instance review articles or primary research papers) and according to the publishing business models.
17. The Association of Learned and Professional Society Publishers (ALPSP) and The Publishers Association produced a report on the impact of a six-month embargo period on publishers, asking libraries if they would continue to subscribe to journals that were made publicly available after six months<sup>7</sup>. Embargoes of less than 12 months are significantly damaging to the long term sustainability of subscription based journals. For STEM subjects, only 56% of responding libraries said they would continue with all their subscriptions and this figure was higher in the UK than in the major US market. North American subscriptions are hugely important in terms of journal income and authorship. This study therefore reinforces the view that a mandated maximum six-month embargo across the board (without appropriate compensatory mechanisms) could have a disastrous effect on some journals.

## Licenses

18. We recognise that the government has shown a willingness to take a leadership role in opening up the fruits of publicly-funded research to all. This will alter the environment in which researchers seek to capitalise on published information and guidance on the use of CC-BY could be helpful. There is some risk that the CC-BY requirement will cause the UK economic harm. For example, the mandated application of a CC-BY licence may breach existing arrangements, where researchers obtain funding from industry partners; this could preclude future partnerships, effectively closing doors to commercial funding of UK science. Further, major publishers, including Elsevier and Oxford University Press, will not support CC-BY at present. The impact of the CC-BY requirement should be closely monitored and included in the 2014 review.
19. Many researchers are confused by the apparently conflicting missions now before them, on the one hand promoting the imperative to maximise potential gains from research through traditional IP and commercialisation routes, and now also to maximise the potential utilization of research by communicating it globally. It is often the case that a commercial partner will prevent, or at least delay, publication of research that it has funded, and that authors who have a choice will choose the most conservative licensing in order to retain potential control in the future.

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<sup>6</sup> [SHEPRA Funders & Authors Compliance Tool](#)

<sup>7</sup> [The potential effect of making journals free after a six month embargo. A report for the Association of Learned, Professional and Society Publishers \[ALPSP\] and The Publishers Association. May 2012.](#)

## Compliance

20. Although RCUK's statements about light-touch compliance assessment are designed to allow for the evolution of sustainable models, more information is needed on who is expected to comply and when, within the five year period, especially if there are different criteria for different researchers. The lack of effective monitoring and enforcement of the rules by RCUK is one reason for past non-compliance. Enforcement measures and penalties should be outlined.

## Costs

21. Enforcement, regulation and the mechanisms for assigning APCs will incur a cost. The full cost implications of OA policy for institutions and the changes in practice to which it will lead should be explicitly and openly recognised. Any adverse impacts on research budgets must be closely monitored. The Finch Report acknowledged that in the short term there would be some increased costs associated with the move towards open access and that the likely distribution of these increases would be complex. However, the overall goal was agreed to warrant the potential transition difficulties, provided support was forthcoming. This assessment pre-supposed an orderly and carefully managed transition without casualties in terms of journals or learned societies; losses from these would add substantially and very negatively to the costs, both in terms of business and personnel and in terms of the investment in research and researchers that drives up standards and delivers growth.

## Review

22. The commitment to review the operation and impact of the RCUK policy in 2014 is welcomed. We believe that it should be tied to a review of the policy itself to counter and repair any perverse or unintended consequences, and to ward off emerging negatives. Equally an assessment of any benefit and success could be a powerful incentive to good engagement in sustainable open access processes. We look forward to engaging with this review process.

The Society of Biology is pleased for this response to be publically available. For any queries, please contact Jackie Caine at Society of Biology, Charles Darwin House, 12 Roger Street, London, WC1N 2JU. Email: [policy@societyofbiology.org](mailto:policy@societyofbiology.org)

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