

# HEFCE 2014/07 Policy for open access in the post-2014 Research Excellence Framework

## Annex C: Summary of consultation responses

### Introduction

1. This document sets out a summary of the feedback received from the funding bodies' consultation on open access and the post-2014 Research Excellence Framework (REF) (HEFCE 2013/16), including the feedback received at consultation events. This feedback helped to shape our final open access policy, outlined in the main policy document with details on the decisions we made following the consultation, and the reasons for these decisions set out in Annex B. Both are available to download alongside this annex at [www.hefce.ac.uk/pubs/year/2014/201407/](http://www.hefce.ac.uk/pubs/year/2014/201407/).

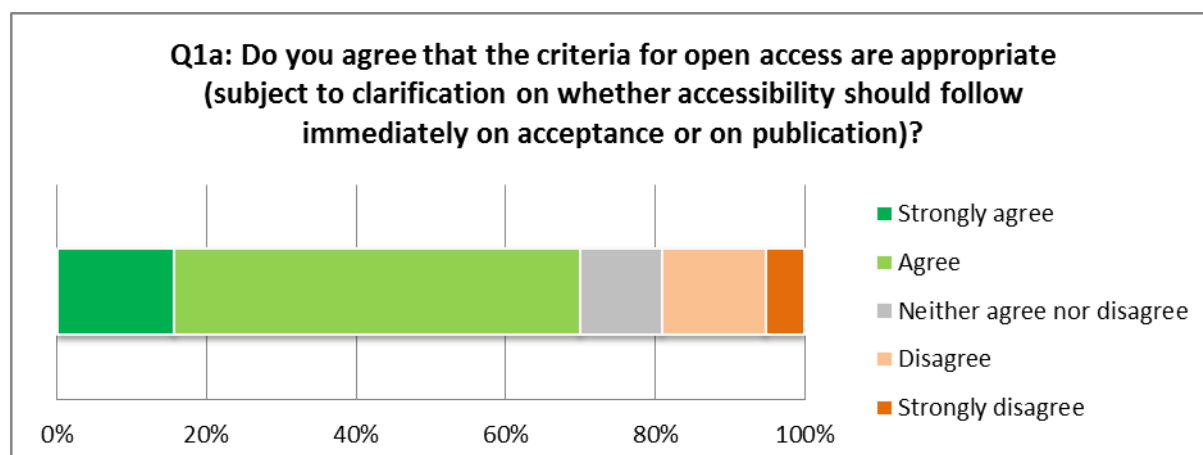
2. The consultation received almost 200 responses from UK higher education institutions (HEIs), representative bodies, individuals, learned societies and subject associations, publishers and other research funders. In general terms, the consultation proposals received broad support from respondents, reflecting the widely held belief that open access is, in principle, a highly laudable aim. The two-stage approach to consultation was also commented upon positively. The main concerns expressed during consultation were about the detail of implementation, much of which is covered in this document.

3. A small minority raised concerns over the risk of the policy undermining the purpose of the REF by conflating issues of quality and access. This minority typically argued against 'compliance' approaches to the policy, such as might be encouraged through percentage targets. There were several explicit suggestions that we should aim for a minimal mandate with aspirational goals (particularly in the area of licensing).

4. Connected to this were some general concerns about authors not being able to publish in the forum most appropriate to their work, and a general wish for the funding bodies and others to engage constructively with publishers to drive forward open access, rather than putting authors under undue pressure that might have unintended consequences.

### Section 1: Criteria for open access

Figure 1: Online responses to consultation question 1a

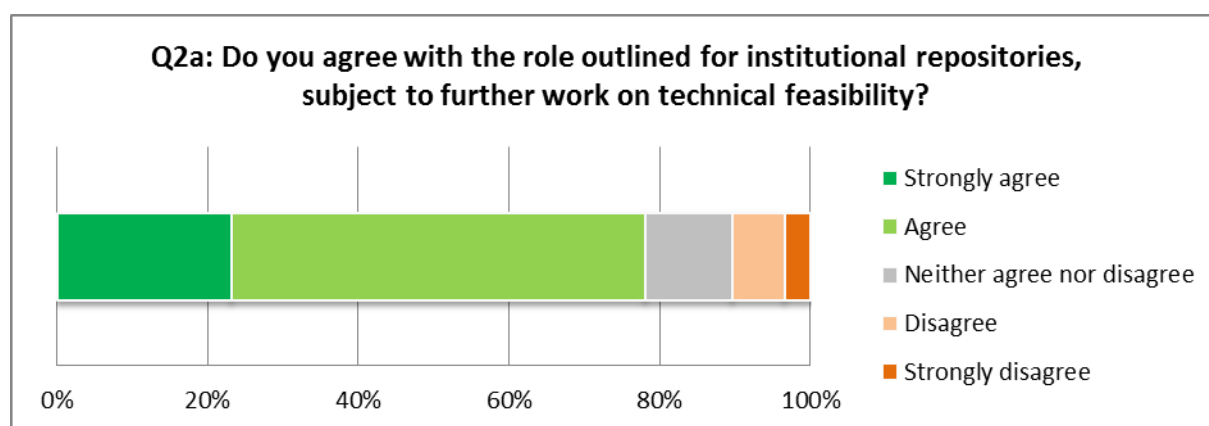


5. The criteria for open access set out in the consultation received strong support (Figure 1). We noted a number of very supportive comments about the role that author-driven, or ‘green’, open access would play in delivering our proposals, many of which were bound up in wider concerns over the affordability of article processing charges and ‘double-dipping’ by publishers.

6. There were a number of requests for us to clarify the wording of the policy in some areas (for instance by defining ‘immediate’), and to be more explicit in other areas (such as licensing). It was suggested by many respondents that we adopt more familiar language throughout the policy to reduce the risk of confusion.

### The role for repositories

**Figure 2: Online responses to consultation question 2a**



7. The role we outlined for repositories received significant support (Figure 2). Some respondents emphasised that institutional repositories currently provide a rich and valuable collection of research outputs, giving the UK a competitive advantage. However, a number of respondents, including those representing repositories, felt there was much work to be done by repositories to implement the systems necessary to support the proposals. Respondents voiced support for the further technical development of institutional repositories, which they felt would be aided by the introduction of this policy.

8. A few respondents wanted us to be clearer about whether the policy would require deposit of the full text or just the bibliographic metadata, and if so, whether it would allow for deposit in subject repositories. It was felt that the important role played by subject repositories ought to be recognised explicitly. It was noted by respondents that the language of ‘accessible through’ was potentially confusing in this regard.

9. A number of respondents voiced concern that early career researchers, teaching-only employees with personal research interests, and affiliated and visiting (but not employed) researchers, might encounter difficulty gaining permission to use an institutional repository. This issue was felt to be particularly acute for early career researchers, who might feel pressure to take a suite of ‘compliant’ outputs with them when moving to a new institution.

## Timing of deposit

10. Many respondents voiced concerns about each option for the deposit date, with a wide range of detailed views expressed in favour of both options. A majority of respondents (Figure 3) favoured **deposit on publication (DoP)**. Arguments for deposit on publication included the following.

- a. There may be difficulty formalising, monitoring and auditing deposit on acceptance.
- b. Deposit on acceptance is hard to mandate for multi-author papers.
- c. Where the version of record can be deposited, it can be done without risking the proliferation of duplicates.
- d. Negotiations over licensing and third-party rights only begin upon acceptance, so a deposit would necessarily be 'closed'.
- e. There are sometimes substantial changes between acceptance and publication.
- f. In some cases, the date of publication may be a clearer time-stamp than the date of acceptance.
- g. The date of publication needs to be monitored anyway for embargoes.
- h. Some institutions have acquired auto-harvesting software that is triggered by publication.
- i. Some institutions would find it easier to monitor outputs after publication.

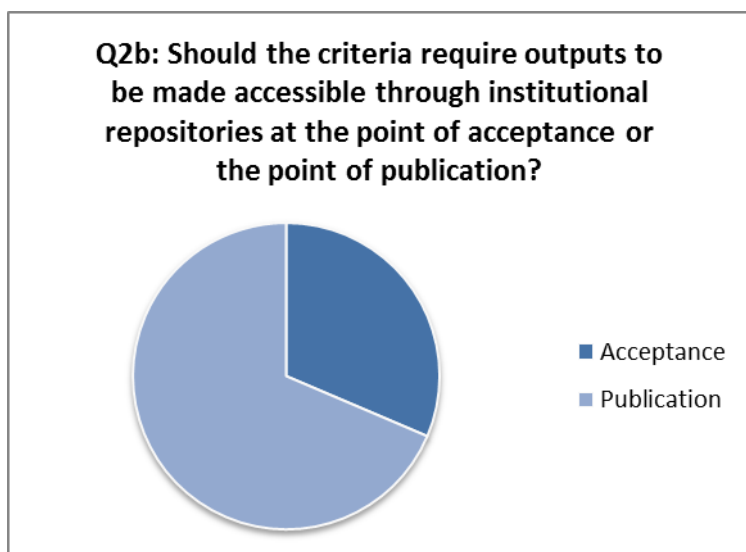
11. A minority (Figure 3) favoured **deposit on acceptance (DoA)**<sup>1</sup>. Arguments included the following.

- a. It increases the chances of author-driven compliance, because this is when the author is most engaged with the publication process.
- b. It is not dependent on the behaviour of external stakeholders.
- c. The date of publication can be nebulous (early online date versus journal issue date).
- d. It can mean quicker access, particularly where there are long lead times between acceptance and publication.
- e. Author-driven deposit at acceptance is well-established in some disciplines.
- f. DoA mandates are well-established in some institutions and have been shown to be effective.
- g. DoA mandates are being adopted globally.

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<sup>1</sup> In the final policy, we have opted for the date of acceptance for the timing of the deposit. This reflects a minority view in the consultation responses. We were persuaded by the strong arguments expressed by this minority, and believe that all the arguments for deposit on publication are answerable. This decision is well aligned with our stated and publicised aim to give weight to responses on the merit of the argument made, and not necessarily on the number of responses received. A fuller discussion of how we have interpreted and reflected the feedback received during consultation in the final policy is given in Annex B.

**Figure 3: Online responses to consultation question 2b**

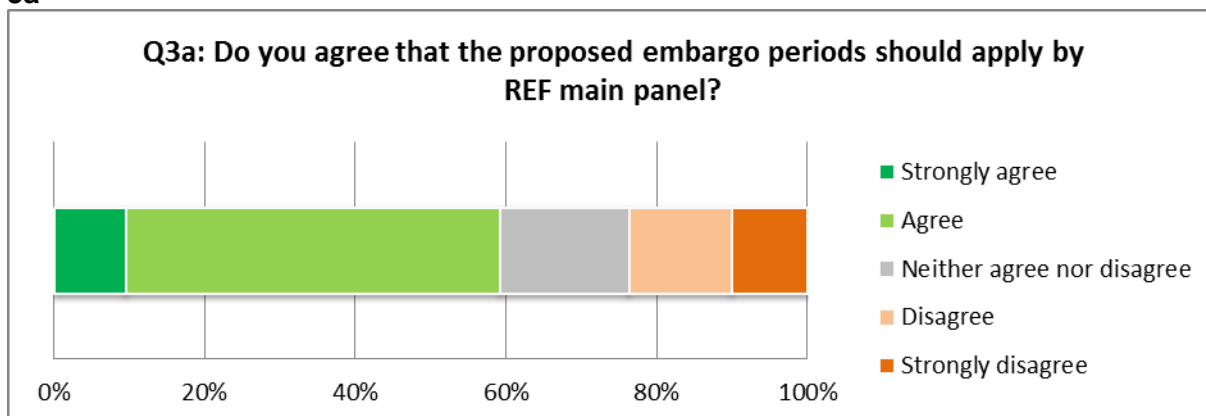


12. A further minority argued in favour of not mandating either point, but offering a choice to authors, while encouraging the adoption of mandates at the institutional level.

13. A number of comments stated that ‘immediate’ deposit would need to be clarified, and a grace period allowed. Most respondents did not specify a grace period. A majority of those who did advised we adopt a grace period of ‘one month from publication’. The range was one month to six months. The reasons for selecting and requiring a grace period were cited as: annual leave, summer recess, sickness, bereavement and additional checks needed by the institutional repository.

### Embargo periods

**Figure 4: Online responses to consultation question 3a**



14. There was general agreement (Figure 4) with our approach to respect publisher embargo periods and to vary the maxima by REF main panel. There was some variance between respondents about the benefits of shorter or longer embargoes for improving access to, or sustainability of, journals including those published by learned societies. A minority of

respondents were in favour of less differentiation, some of more differentiation to take account of disciplinary differences.

15. Some respondents welcomed the approach to simplify the landscape for researchers by lining up with embargo periods set by Research Councils UK (RCUK). However, a number of key respondents have voiced deep concern about the principle of lining up with RCUK embargoes, believing that the funding bodies should set their own policy and not create 'hostages to fortune' in advance of the planned 2014 review of the RCUK policy.

16. Many more respondents were concerned over the detail of our proposed approach to embargoes. Their arguments included the following.

- a. There is no exact mapping between research councils and REF main panels.
- b. The appropriate REF unit of assessment for particular pieces of research is hard to identify in advance in some cases, and choosing the right unit of assessment is seen as an important part of HEIs' flexibility in building their REF submissions.
- c. Interdisciplinary research may be problematic, such that we should ask for compliance with the longer of the two embargo periods where they differ.
- d. There is confusion about which branch of the RCUK decision tree should apply to outputs not funded by RCUK.

17. Some respondents argued that we should monitor and be ready to adjust our policy on embargo periods as the environment changes. There were a variety of suggestions, including that we should:

- postpone the issue
- monitor and align with the international position
- respect existing publisher embargoes and not set any maxima
- work with (or put pressure on) publishers to reduce embargo periods
- wait for the outcomes of further research (including the British Academy project on journal half-lives) before setting embargo periods.

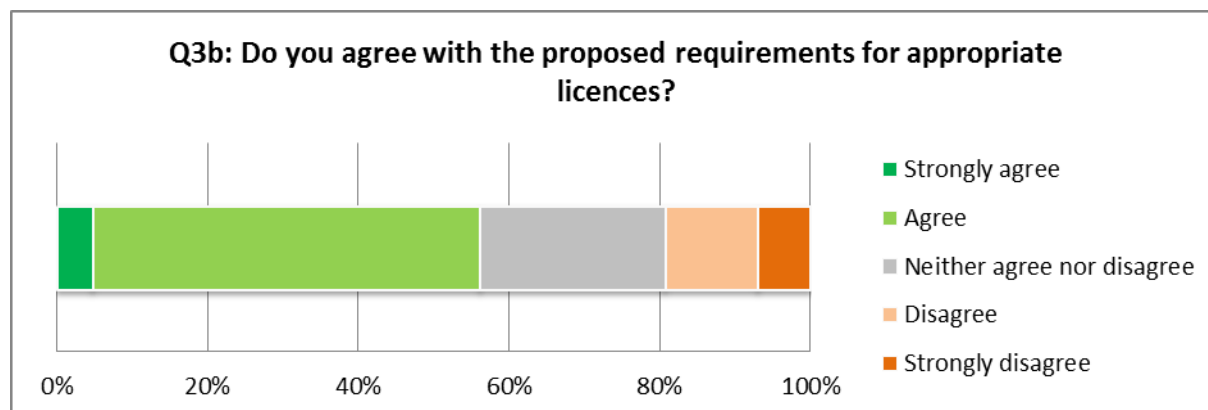
18. Some respondents expressed concern that publishers' embargo periods would simply lengthen to the maxima set out in the policy, as publishers sought to protect their income. Others were concerned that specifying an embargo maximum would risk publishers forcing payment of an article processing charge by extending their embargo periods beyond the maximum.

19. Some respondents asked us to clarify whether outputs under embargo at the point of submission to the post-2014 REF would be eligible.

20. There was a suggestion that we alter our wording from 'the repository **may** provide access in a way that respects agreed embargo periods' to '**must** provide access...', as the former appears to suggest that this is optional.

## Licensing

Figure 5: Online responses to consultation question 3b



21. There was general agreement (Figure 5) with our approach not to require a particular type of licence now, with many respondents recognising that circumstances were changing quickly. However, this agreement was tempered by many comments that our position on licensing appeared unclear, and respondents expressed a desire for clearer or more specific requirements. Bound up with this were several requests that we specify a list of examples of 'compliant' or permissible licences, with queries around whether a Creative Commons Attribution Non-Commercial Non-Derivative (CC BY-NC-ND) licence would be sufficient. Some respondents commented on the acceptability or otherwise of standard open licences such as Creative Commons Attribution (CC BY).

22. Many respondents asked us to undertake or await further work on licences before introducing a mandate for a particular licence or form of licence. Coupled with this were numerous suggestions that we not insist on usage rights extending beyond those that grant free access and download.

23. There was support for wider movement from funders and publishers towards model licences for green open access. There were mixed, and not widely expressed, views on whether such model licences should be permission-based or exclusion-based.

24. Some respondents expressed concern that if an output is only 'available through' a repository (as opposed to deposited in one), then it would be impossible to guarantee reuse, including by text-mining software. Others informed us that some subject repositories restrict automated access through the use of robots.txt. Respondents were further concerned that publishers would be unlikely to allow text-mining. The combined result of these concerns was that an insistence on text-mining would effectively require deposit of the output in the institutional repository. Coupled with these concerns were suggestions that we should only insist on minimal reuse rights.

25. Respondents expressed concern about potential difficulties in meeting licensing requirements regarding reuse in disciplines such as Art History that rely significantly on third-party material. It was felt that this problem would be compounded by a policy that asked for deposit of the output at the point of acceptance, as negotiations for third-party rights often start at that point. It was felt by some that, without the third-party material, the output would be of little value. A strong case was made by several parties for excluding Art History in particular from the

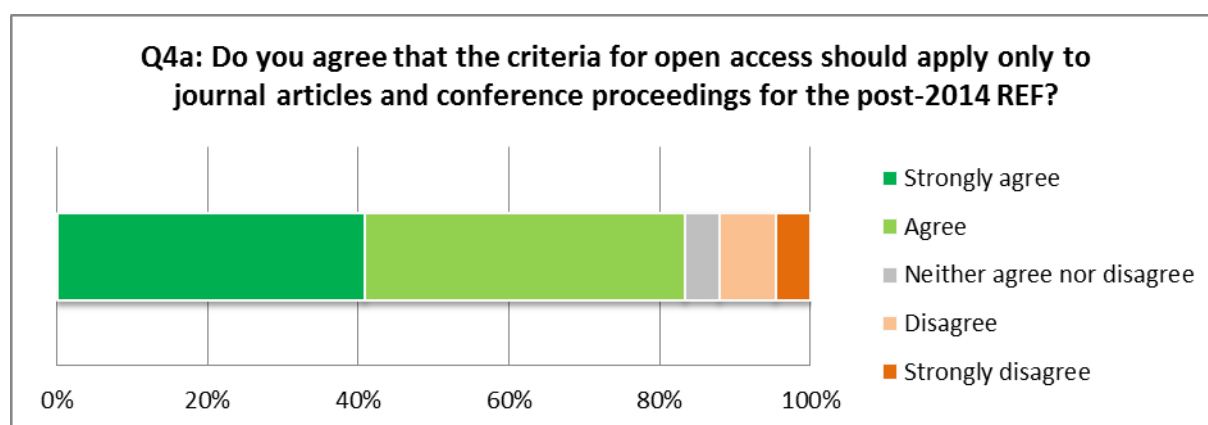
proposals. Others noted that Art History was not unique in facing these difficulties: dance, music and poetry also rely on the reproduction of third-party material.

26. A small number of respondents felt that we should allow the author to choose the most appropriate licence for their work. Others felt that we should encourage the uptake of model addenda to copyright transfer agreements by authors and institutions, or the retention of copyright by the author.

## Section 2: Definition of outputs to which the criteria would apply

### Type of output

Figure 6: Online responses to consultation question 4a



27. We received very strong support (Figure 6) for our suggestion to limit application of the open access criteria to journal articles and conference proceedings. In particular, many respondents expressed their support for our proposal to exclude monographs and non-text outputs from the requirements.

28. We encountered some minority views that we should indeed mandate open access to books and non-text outputs, as not to do so risks sending a signal that these outputs, and by extension the disciplines in which they are predominant, are of secondary importance. The suggestion from some was to aim for a lower compliance percentage to deal with this.

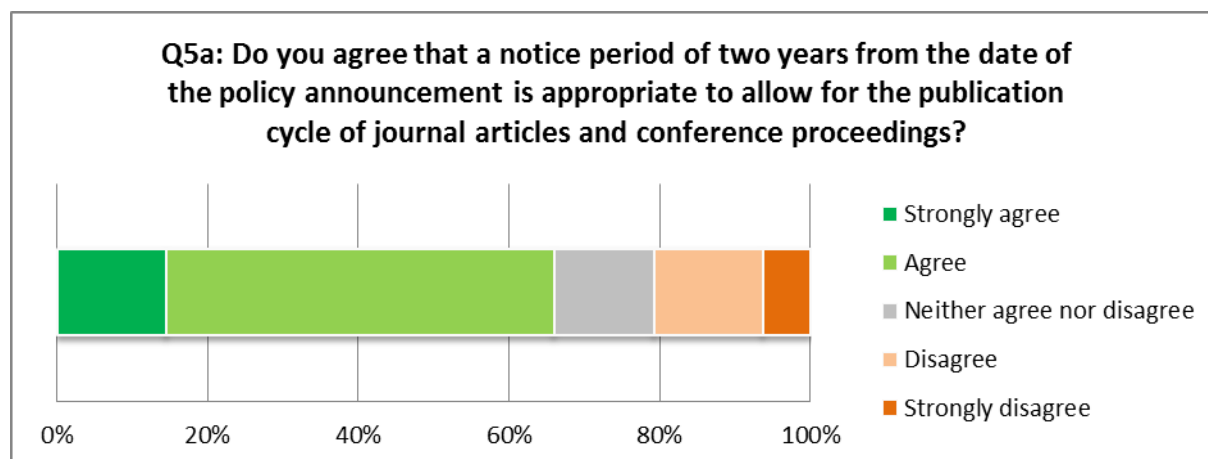
29. Some respondents expressed a wish for the funding bodies to develop good practice guidance for open access publishing of books and non-text, particularly creative, outputs, with a particular commitment from art colleges to work with us on driving open access in these modes.

30. Many respondents queried whether the term 'conference proceedings' was exact enough to deal with the variety of published conferences across disciplines. In some humanities and social science disciplines, it was noted that papers from a conference are typically compiled, edited and published as a single book volume. It was suggested that these are excluded from the definition, by making a distinction between the use of International Standard Serial Numbers (ISSNs) and International Standard Book Numbers (ISBNs). It was noted by other respondents that the presence of an ISSN or ISBN is not a perfect proxy for the differences between disciplines, as ISSNs are occasionally used to cover book series that publish one-off conference proceedings. Some alternative wordings were suggested.

31. It was noted by some respondents that some journals do not produce electronic versions, and that these should be excluded from the definition.

### Notice period

**Figure 7: Online responses to consultation question 5a**

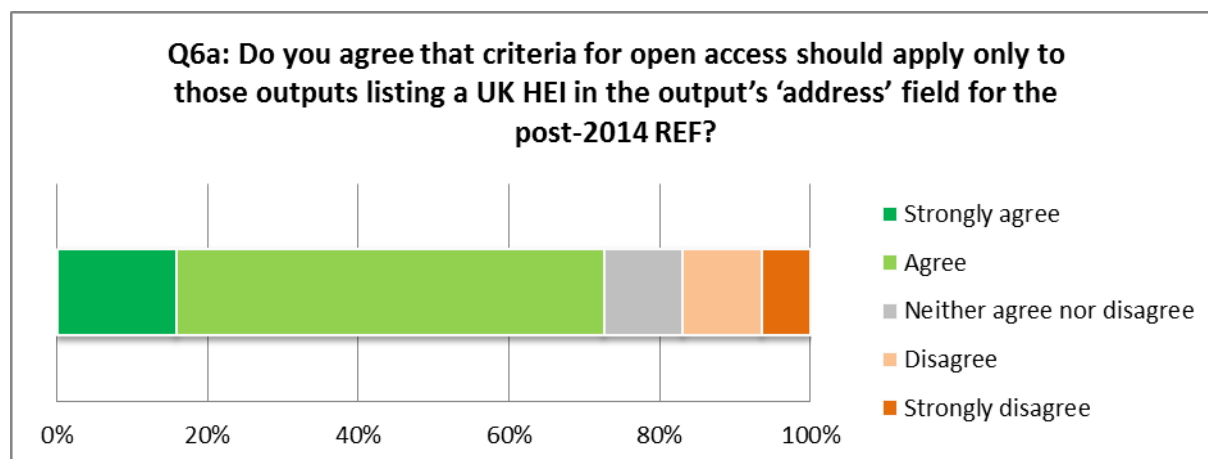


32. The majority of respondents (Figure 7) supported a two-year notice period, with the following points made.

- a. Some disciplines have very lengthy cycle times from acceptance to publication. If opting for deposit on publication, cases where a researcher is accepted prior to the policy announcement but published after the notice period has elapsed should be explicitly excluded.
- b. If opting for deposit on publication, we should make it explicit that we expect compliance from the first journal issue after a set date (which may be 24 months after the policy announcement).
- c. If opting for deposit on acceptance, we should adjust the policy so that it starts with journal articles accepted after the notice period has elapsed.

### Outputs with a UK HEI in the publication address field

**Figure 8: Online responses to consultation question 6a**



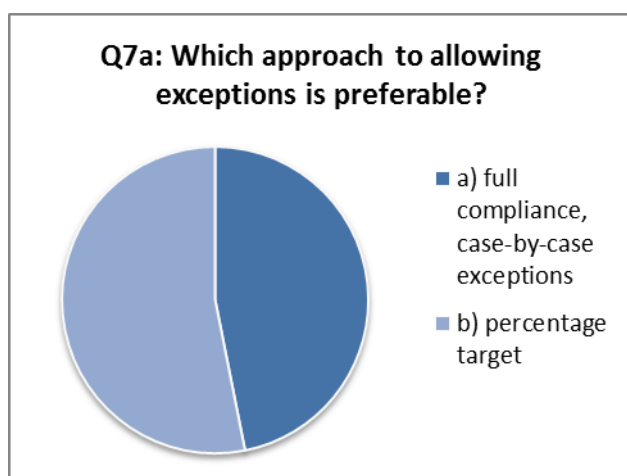


33. We received strong support for this aspect of the proposals (Figure 8), but some concern over the detail, as follows.

- a. Researchers working overseas, or outside a UK HEI, but with a (minor) collaborative partner working at a UK HEI, would be required – but not necessarily able – to comply. (We had intended that these researchers should come under the scope of the policy, but many respondents disagreed.)
- b. Early career researchers, or researchers affiliated to but not employed by an institution, or researchers on a teaching-only contract, may want to list a UK HEI on their output but may struggle to comply with the policy (for lack of access to a repository facility, for instance).
- c. A loophole could allow researchers working in a university hospital to list the hospital trust instead of the institution and escape the requirement.
- d. The policy may have been incorrectly interpreted to exclude outputs without a UK HEI in the address field from the REF altogether.

### Section 3: Exceptions

Figure 9: Online responses to consultation question 7a



34. This section received the greatest weight of comments, and opinion was split fairly evenly. Generally, where respondents chose an approach to exceptions, they did so only with significant reservations and additional comments. Each approach is treated separately here.

#### Universal compliance with case-by-case exceptions

35. Universal compliance with case-by-case exceptions was favoured by just under half of respondents (Figure 9), with responses from some individuals, some publishers, some learned societies and REF managers generally in favour of this route.

36. It was generally accepted that universal compliance would give institutions a good reason to develop firmer mandates and send clearer signals internally. A key advantage of this approach would be that academics not in favour of, or not willing to engage with, open access would have

no reason to consider themselves as part of an exceptional percentage rather than being compelled to deposit their outputs.

37. Views were split on whether a universal compliance system would be more or less burdensome than the alternative. Positive comments suggested that the system would be relatively simple to adopt. Negative comments suggested that writing case-by-case exceptions would involve a great deal more preparation for the next REF, especially if the proposed percentages in the consultation document were accurate.

38. Almost all respondents felt that the funding bodies should make available a **set list of exceptions** in advance. This would minimise the risk that parts of an institution's submission would be deemed non-compliant. The submission system for the next REF should have a drop-down list of exceptions, and a free text for 'other' exceptions not yet identified. It was further suggested that 'other' exceptions should allow a 'reserve' output to be submitted (as double-weighted outputs do in REF2014).

39. A key advantage of universal compliance would be to allow institutions to record the reasons for non-compliance. This could generate important data for the future, helping to increase understanding of the barriers to open access.

40. Respondents understood universal compliance to mean that sanctions would take place at the output level. However, it was stressed by many respondents that no output should be excluded from the REF process if deemed non-compliant with the open access policy. It was further asserted that REF panels should have no place in deciding whether something should be treated as an exception, and that this decision should be invisible to the REF panel.

41. Some respondents felt that a universal compliance system would be more in keeping with the REF's aim to be about quality assessment. Setting targets for compliance would force institutions to shape their submissions in ways that were unrelated to quality. Some key institutions and representative bodies supported universal compliance on these grounds.

42. Some felt that exceptions should be 'not that exceptional', to allow for a similar degree of flexibility to that allowed by the percentage approach.

### **On a percentage approach**

43. A percentage-based approach to exceptions was favoured by just over half of respondents (Figure 9), with responses from some library staff, some publishers, some academic societies, learned societies and representative bodies generally in favour of this route.

44. Some noted that percentage targets are, in policy terms, neater than lists of exceptions, and excuse the REF from making many difficult decisions about acceptable exceptions.

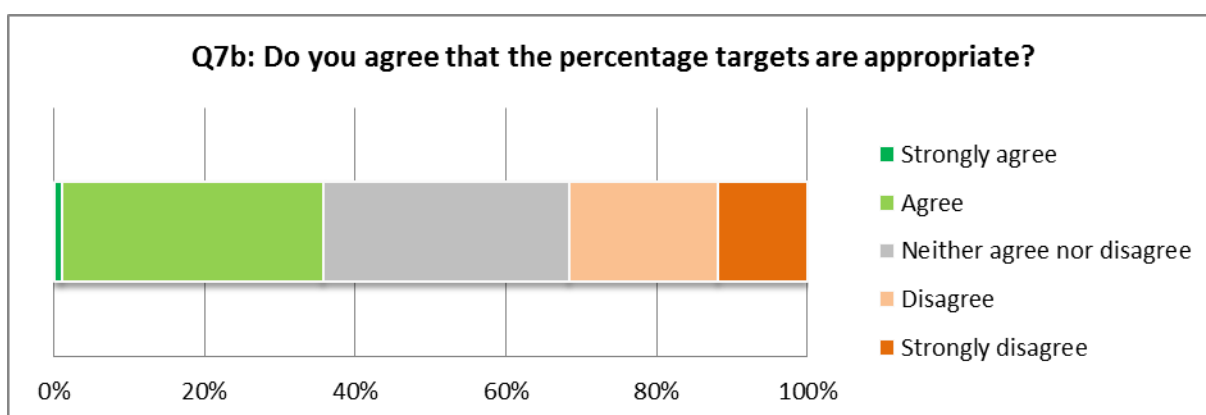
45. A minority of respondents (Figure 11) favoured a percentage target universally applied across the REF panels. This included respondents who otherwise selected universal compliance as their preferred route. One argument was that this would allow institutions the flexibility to manage their submission better. Another was that it would minimise the risk that the policy might discriminate against particular institutions, or against specialist institutions in general.

46. Some argued that a percentage target would be out of step with an approach that excluded pre-2016 outputs, monographs and other outputs from the definition. One suggestion was to mandate compliance from every output, and set the percentage target lower.

47. Many respondents felt unable to judge whether the percentage targets were appropriate (Figure 10), given the difficulty of gathering evidence in this area.

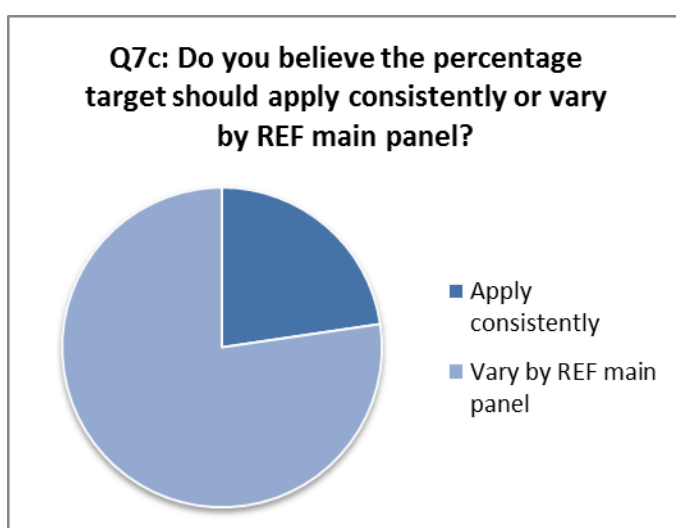
- a. There was no clear view about whether the percentages were too high or too low, but those who did give a view generally felt that the percentages were too high for main panels C and D.
- b. There were several explicit references to the work being undertaken on our behalf by the British Academy, and for the need to keep the targets under review in light of this work.
- c. Some respondents felt we should analyse the current REF submission's open access potential as a gauge for setting **minimum** compliance targets.
- d. Some respondents felt more transparency was needed, and that we should explain the basis of the calculations of the percentages in the consultation document.

**Figure 10: Online responses to consultation question 7b**



48. A significant majority of respondents (Figure 11) favoured varying the percentages by REF panel. This included respondents who otherwise selected universal compliance as their preferred approach to managing exceptions.

**Figure 11: Online responses to consultation question 7c**



49. Some felt we should not be basing our percentages on RCUK compliance targets at all, because of the scarcity of RCUK funding for some disciplines, and the potential to discriminate against some institutions as a result.

50. Most comments focused around the difficulty of implementing and monitoring a percentage approach, and the concomitant difficulties in predicting the shape of the REF submission. It was not possible to know in advance which outputs would be considered for submission, so monitoring could only take place at the ‘macro’ level, which might not adequately translate down to the submission level (indeed, there were strong reasons to suggest that it would not).

51. Some respondents noted that building a REF submission around a compliance target would shape the submission in a way that did not relate to quality. This was felt to be unacceptable by some institutions and representative bodies. Other respondents felt that the percentage target should ‘ramp up’ towards 2018 to 2020, with one respondent noting that if we took this approach we could seek compliance now.

52. A few respondents felt that a hybrid approach that made specific exclusions **and** imposed a percentage target might be acceptable.

#### **Comments on compliance with the policy**

53. A few respondents expressed concern over how we might audit compliance, and what the sanctions for non-compliance would be. Some felt quite strongly that non-compliance should not result in a deduction in the REF score. Others expressed the opposite view.

54. Some respondents expressed a wish for us to clarify **which** institution would be penalised, when a researcher had moved from one HEI to another and the submitting institution found the previous institution had not complied.

#### **Section 4: List of exceptions**

55. A number of respondents suggested one or more cases that we could adopt in putting together a fixed list of exceptions to the policy to complement a universal compliance approach.

**Table 1: Example cases where exceptions should apply (given by respondents)**

| Type of exception                             | Specific case  |
|---|--|
| <b>Individuals with special circumstances</b> | Author was unable to secure the use of a repository at the time of publication.  |
|   | Author was not employed by a UK HEI (multi-author papers only).  |
|   | Author was at a different UK HEI at the time of publication, which failed to comply.   |
| <b>Output-specific issues</b>                 | The output is an exhibition programme and generates revenue to support an academic event.  |
| <b>Timing issues</b>                          | There was a delay in securing accessibility through the institutional repository, but output was open-access at the time of publication. |

|                                   |  |
|-----------------------------------|--|
|                                   | The output was accepted for publication before the policy was announced.   |
| <b>Discipline-specific issues</b> | The output depends on the reproduction of third-party material to such an extent that it would have little scholarly value without it (common in, for instance, Art History), and compliant licensing rights could not be secured. |
|                                   | An external funder (such as the NHS) required publication in a non-compliant journal.  |
|                                   | Output is not written in English, or is published in a foreign language journal.   |
| <b>Publisher-specific issues</b>  | Publication is print-only (no electronic version).   |
|                                   | Publication does not offer a compliant green or gold option.   |
|                                   | Publication only offers gold option to those paying an article processing charge route, and no funds were available.   |
|                                   | Publisher changed its open access policy (for instance, the embargo period) between acceptance and publication.  |
| <b>Licensing issues</b>           | Output was published under a gratis open access licence only (with no reuse rights).   |
| <b>Technical issues</b>           | Technical failure within repository (for example a harvesting software malfunction).   |
|                                   | External service provider failure (for example a publisher not making the open-access version available, a subject repository getting the embargo period wrong, or an external repository shutting down).                          |

## Section 5: Summary of additional feedback received at consultation events

56. We organised five events across the UK during the consultation period. Four of these were attended by colleagues from higher education institutions. The fifth was also attended by colleagues from subject associations and academic societies. The summary above represents a synthesis of views presented in formal written responses and the feedback we received during consultation events. Below are some particular points that received greater attention during discussions at the events.

### Criteria for open access

57. Many attendees sought clarity on outputs being 'available through' the repository, with detailed questions focusing on the exact metadata profile that would be required. It was felt that a

detailed and exact specification for the post-2014 REF data requirements would be needed for institutions to implement the policy successfully.

58. Discussion sought clarity on licenses, with 'reuse' and 'text-mining' needing definition. Widespread support for the Creative Commons Attribution (CC BY) licence was noted among many attendees, with some noting that Creative Commons Attribution Non-Derivative (CC BY-ND) would satisfy the 'text-mining' stipulation. This contrasted with strong criticism of more permissive Creative Commons licences from a few attendees. It was noted by some that 'reuse' could not be guaranteed by linking to a remote copy of the file; deposit in the institutional repository would be necessary.

59. The wording stating that deposit would be expected 'immediately', but in a way that 'respects agreed embargo periods', was felt to be confusing and inexact. There was some discussion about the desirable length of any grace period for deposit following acceptance or publication, but no agreement. There was no broad agreement over whether deposit on acceptance or publication would be preferable.

### **Definition of outputs that must meet the criteria**

60. There was some agreement that, while 'journal article' was a well-understood term, 'conference proceeding' was not as straightforward, with complexity arising where the longer proceedings of conferences in the humanities and social sciences were published in book form.

61. Some attendants noted that their colleagues had initially been confused about whether outputs that were outside the scope of the policy (such as monographs) were still eligible for submission to the REF, and requested that we make this more explicit in the final policy.

62. The proposal to limit the policy to papers that listed a UK HEI in the address field attracted a lot of discussion, with many 'use cases' being raised where this stipulation created undue complexity. There was a general feeling that a simpler solution to the issue could be found.

### **Exceptions**

63. The proposals regarding exceptions attracted much discussion. Generally, it was felt that universal compliance was the preferred route on the grounds that it would give a stronger signal to academics, but that both approaches raised significant issues of monitoring, burden and the consequences for compliance. It was felt that, if we were to proceed with universal compliance with case-by-case exceptions, a pre-specified list of exceptions would be required for repositories to reduce the burden of recording and reporting on individual cases. Some example cases were given, and these are presented in Table 1.