

RESEARCHER, BEWARE!

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During the last months we have seen a number of developments when it comes to funders' willingness to enforce OA clauses in the contracts researchers have signed, receiving grants from those funders.

The Wellcome Trust has not only showed themselves willing to fund OA, they also demand something in return for their funding. Authors are not allowed to use articles that should have been OA, but aren't, in their list of publication when applying for new grants. If the Trust find papers in reports, that do not comply with the OA policy, funding will be withheld. Non-compliant papers will also result in funding renewals or new grants being held back. (see

<http://www.wellcome.ac.uk/About-us/Policy/Policy-and-position-statements/WTD018855.htm#ten>)

And if the Wellcome Trust funds APCs for a researcher, the resulting publication has to be published with a CC BY license. RCUK (Research Councils UK) have the same clause, if they finance the APC the article has to have a CC BY license. A CC (Creative Commons) BY (attribution only) license is a license that permits any kind of reuse – included derivative works – as long as the original author is named. Not all authors are comfortable with this license, and there is considerable debate over this. Many major commercial OA publishers use this license, but others do not. In DOAJ (the Directory of Open Access Journals), only a minority of journals have listed a CC (Creative Commons) license, and only a bit more than half of these a CC BY license. So for authors having to comply with Wellcome Trust or RCUK policies, there is considerable risk of wanting to publish in a journal that does not use a CC BY license. The way around this, of course, is to publish in a non-OA journal that permits self-archiving within the prescribed time. But it adds some risk, as an author may inadvertently find himself/herself in the position of having paid a publisher for OA publishing only to discover that the license used makes it impossible to use the planned external funding for this.

The National Institutes of Health (NIH) has announced changes to their procedures regarding OA compliance. If non-compliant papers are found in project reports, further payments will be withheld

pending evidence of compliance or a satisfactory explanation. Unfortunately, the only example given by the NIH of a satisfactory explanation, is this: "e.g., the sole author has passed away before they were able to process the manuscript for posting to PubMed Central" (see <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-12-160.html>) One hopes this is a sign of some humour on the part of NIH, not a suggestion to look to traditional Japanese methods for restoring honour...

The European Union is rewriting their OA policy for Horizon 2010. In Framework Program 7 (FP7), a Special Clause 39, demanding Open Access, was attached to about 20 per cent of funds. In Horizon 2020 all funds will have an OA obligation attached. And while the OA obligation in FP7 had a "best effort" clause in it (enabling you to be let off the hook, if you could document that you had asked for, but been denied, permission to self-archive), Horizon 2020 leaves no escape. If you don't comply, you have not fulfilled your contract. This will lead to funds being withheld.

We also hear rumours that the Norwegian Research Council is about to strengthen its OA policy and provide more heavy-handed follow-up and, possibly, sanctions. In 2013 mechanisms for following up will be in place in CRIStin, making it for the first time practically possible for the research council to follow up whether researchers actually fulfil their obligations. And there are some signs that the research council will be withholding funds from those not complying. There are two things that come to mind:

Firstly, that keeping researchers unaware of their obligations and the consequences of non-compliance is gross negligence on the part of institutions. All institutions carrying out research with external funding need to teach their researchers to look in their contracts, and to teach them techniques to comply with their obligations. Otherwise there are considerable financial risks to the same institutions. In case of e.g. EU funding, an institution might have to compensate partners for loss of EU funding due to

non-compliance, this could run into large amounts. And this, in turn, could become a financial headache for the responsible author – and end his/her career. Secondly, those who create or rework their policies need to consider if there are good reasons to create yet another policy, instead of aligning oneself with a policy from one of the large (and strong) funders? If researchers are exposed to a jungle of different policies, this will be much more frustrating for them and risk-filled for them and their institutions, than if everyone aligns their policies with those of the EU or NIH.

Researchers might not necessarily love them, but they will presumably prefer to learn, and comply with, a simple and square set of rules than having to start a new learning process in every project. And as a publication can be financed from many sources, this may in itself present problems. If the corresponding author is under a lenient policy, while other authors are under strong ones, this could create situations in which authors create trouble for some of their co-authors. No-one wants this!

So, if you want to do anything about policies: Look to NIH or the EU. Let non-compliance have consequences for authors!



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