To: Faculty Advisory Committee on Policy

From: Ad-hoc Faculty Committee to study Open Access
   Andrew Appel (Computer Science), Anne Cheng (English/African-American Studies), Lynn Enquist (Molecular Biology), Carol Greenhouse (Anthropology), William Jordan (History), Helen Milner, (Politics/WWS), Gideon Rosen, (Philosophy), Karin Trainer (University Librarian), Chris Tully (Physics).

Subject: Recommended open-access policy

Date: March 24, 2011

In late 2010 the Dean of the Faculty appointed an ad-hoc faculty committee, comprising professors from all the divisions of the University, to study the question of open-access to faculty publications. The committee met several times in February and March 2011 and adopted this policy and report by unanimous vote. As requested by Dean Dobkin, we make this report as a recommendation to the Faculty Advisory Committee on Policy.[*]

Much of the faculty's scholarly output is in the form of articles published in refereed journals and conferences; the faculty generally publish these scholarly articles without expectation of direct monetary compensation.   Some journals (though by no means all) then restrict access via expensive subscriptions prices and other restrictive practices. An "open-access" policy is intended to make the faculty's scholarly articles, published in journals and conference proceedings, available *as well* to a wider public than can afford to pay for journal subscriptions. In addition, an open-access policy permits the University to run an "open-access repository" where the faculty can conveniently make those articles available.

Several of our peer Universities have adopted open-access policies with these goals in mind; we studied some of these policies before coming to consensus on the policy we recommend below.

We recommend a revision to the Rules and Procedures of the Faculty that will give the University a nonexclusive right to make available copies of scholarly articles written by its faculty, unless a professor specifically requests a waiver for particular articles.   The University authorizes professors to post copies of their articles on their own web sites or on University web sites, or in other not-for-a-fee venues. Of course, the faculty already had exclusive rights in the scholarly articles they write; the main effect of this new policy is to prevent them from giving away *all* their rights when they publish in a journal.

Although it makes sense to adopt such a policy even if the University does not establish an open-access repository of its own, we believe that the University and its faculty will benefit most from this policy if it does establish such a repository. The University already runs a public data-storage archive that could be adapted for this purpose. We recommend that the University establish such a repository, but we recognize that there are many issues of implementation and resources to be considered, so we do not make any specific recommendation regarding implementation.

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*In September 2011 the Faculty Advisory Committee on Policy voted
to recommend this action to the Faculty.  The Faculty at its meeting
of September 19, 2011 unanimously adopted this open-access policy into
the Rules and Procedures of the Faculty of Princeton University.
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Specifically: We recommend the following changes to the Rules and Procedures of the Faculty. In Section VIII.D.3.c, that is, "COPYRIGHT POLICY – Relationship between the University and its Faculty, Employees, and Students", insert a new numbered paragraph (1) as shown below, and renumber paragraphs (1)-(6) into (2)-(7).

> 1) The members of the Faculty of Princeton University strive to make their publications openly accessible to the public. To that end, each Faculty member hereby grants to The Trustees of Princeton University a nonexclusive, irrevocable, worldwide license to exercise any and all copyrights in his or her scholarly articles published in any medium, whether now known or later invented, provided the articles are not sold by the University for a profit, and to authorize others to do the same. This grant applies to all scholarly articles that any person authors or co-authors while appointed as a member of the Faculty, except for any such articles authored or co-authored before the adoption of this policy or subject to a conflicting agreement formed before the adoption of this policy. Upon the express direction of a Faculty member, the Provost or the Provost's designate will waive or suspend application of this license for a particular article authored or co-authored by that Faculty member.

> The University hereby authorizes each member of the faculty to exercise any and all copyrights in his or her scholarly articles that are subject to the terms and conditions of the grant set forth above. This authorization is irrevocable, non-assignable, and may be amended by written agreement in the interest of further protecting and promoting the spirit of open access.

In addition: in the new paragraph 3 (old paragraph 2), change "and makes no claim" to "and, except as provided above in paragraph 1, makes no claim". In the new paragraph 5 (old paragraph 4), change "paragraphs 1, 2, and 3" to "paragraphs 1, 2, 3, and 4".

An open-access policy without a ready means for faculty to post their scholarly articles and an equally ready means of retrieval would be of very limited value. In some fields, especially the sciences, engineering and certain of the social sciences, convenient methods of posting and retrieval are already in place. But as this is not generally true of the humanities and humanistic social sciences, the committee recommends the creation of a University 'repository', types of which exist at peer institutions, that will facilitate these goals. The repository would also be available to provide links to the other posting/retrieval systems in use in other fields. Besides serving the aim of open-access, the repository will also offer a picture of the range of scholarship in the University at large. Without suggesting precisely how the repository should be constituted or what resources should go into it at the outset and for maintenance, the committee does recommend that support be provided to instruct faculty, perhaps most especially humanities and humanistic social science faculty, in posting their work and otherwise using the repository.

In coming to this recommendation we have relied on the following principles:

(1) The principle of open access is consistent with the fundamental purposes of scholarship.

(2) University support (tangible and intangible) for open access is consistent with other forms of university support for scholarship.

(3) The primary agents of open access are the faculty; university support for open access is a form of service to the faculty intended to expand the beneficiaries of the university's research mission.

(4) A university policy on open access should recognize and respect the diversity and dynamism of disciplines, professional organizations and academic publishing—maintaining communication, flexibility and diversity as core principles of implementation.

(5) Implementing a university-wide open access policy entails ongoing outreach to departments and faculty, involving the participation of chairs, managers and IT specialists—particularly in units where open access is not now the norm.

This concludes our formal recommendation. The rest of this report contains explanations and clarifications.

Frequently Asked Questions

Q. Does this take away rights from the faculty, or give the faculty more rights?

A. In a narrow sense, it takes away one right: the right to give away all the rights to your article when you sign a copyright assignment. The policy forces the University (and you in turn) to retain some rights, so that even as the journal publishes your article, you can post a copy on your own web site (or the University's). So, in a broader sense, it helps you keep your rights. See also, Ulysses and the sirens: it ties you to the mast, but you still get to hear the song.

Q. What if this policy is absolutely incompatible with a journal's copyright contract, and the journal won't budge on this, and won't let me publish?

A. You can obtain a waiver of the policy for any article, upon request. This waiver (which should be as easy to obtain as entering the bibliographic information into a web form) will then permit you, as before, to give away all the rights to your article.

Q. Doesn't the waiver make the policy completely toothless in practice?

A. One might think so, but in fact the experience of other universities is that they can use a university open-access policy of this kind (even with waivers) to lean on the journals to adjust their standard contracts so that waivers are not required, or with a limited waiver that simply delays open-access for a few months.

Q. What kinds of publications are covered by the policy?

A. Refereed journal and conference articles actually published; not unpublished drafts, not books, fiction, poetry, music, film, lecture notes, case studies, etc. We intend the term "scholarly articles" to be as explained by Professor Stuart Shieber of Harvard University in his annotated model open-access policy:

"scholarly articles: The scope of the policy is scholarly articles. What constitutes a scholarly article is purposefully left vague. Clearly falling within the scope of the term are (using terms from the Budapest Open Access Initiative) articles that describe the fruits of scholars' research and that they give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings. Clearly falling outside of the scope are a wide variety of other scholarly writings such as books and commissioned articles, as well as popular writings, fiction and poetry, and pedagogical materials (lecture notes, lecture videos, case studies). Often, faculty express concern that the term is not (and cannot be) precisely defined. The concern is typically about whether one or another particular case falls within the scope of the term or not. However, the exact delineation of every case is neither possible nor necessary. In particular, if the concern is that a particular article inappropriately falls within the purview of the policy, a waiver can always be obtained."

http://osc.hul.harvard.edu/sites/default/files/model-policy-annotated_0.pdf

Q. Does this policy cause extra work for me? I don't want any extra hassle.

A. Unlike (for example) the Harvard policy, this policy does not include a specific requirement that the faculty transfer actual copies of their articles to a University repository. We suggest that use of the repository should be voluntary. But we believe that the University can design a repository and associated services that will be very attractive and easy to use by the faculty.

Q. The journals I publish in (APS, ACM, IEEE, PLOS, ...) already have publication contracts compatible with open-access policies, so why do I need this?

A. Lucky you. But your colleagues in other disciplines, who publish in other journals, might also want the right to put some of their work on the Web. This policy gives the University leverage to negotiate on their behalf.

Q. I already put my work in open-access repositories such as the Arxiv or PLOS.

A. Good for you. Nothing about our proposed policy says that you must do any more than you do already.

Q. Another university's policy asks its professors to put the "last version after refereeing and before copy-editing" into their repository. Must I distribute work that is not copy-edited?

A. No. Nothing in our policy requires that. With some journals that may be convenient, if the journal's copyright policy contains a clause permitting open-access distribution of that just-before-copy-editing version.