

25 March 2013

MEMORANDUM

To: David Sweeney, HEFCE

Subject: Open Access and Submissions to the Research Excellence Framework post-2014

Date: 25 March 2013

Dear David Sweeney and HEFCE,

Please find below the joint submission of The British Sociological Association (BSA) and the Heads and Professors of Sociology (HaPS) to the HEFCE request for input on the role of Open Access publishing in the submission of outputs to the post-2014 REF.

We have also appended the BSA/HaPS submission to RCUK on the revised guidance to their Open Access policy.

Please contact us for any additional comment.

Thank you.

Yours sincerely,

Judith Mudd, Chief Executive
On behalf of the British Sociological Association

Lynn Jamieson, Chair
Heads and Professors of Sociology

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British Sociological Association (BSA) and Heads and Professors of Sociology (HaPS) Submission to HEFCE on open access publication and submissions to the REF post-2014

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Executive Summary

The British Sociological Association (BSA) and the Heads and Professors of Sociology (HaPS) welcome the opportunity to comment on the role of Open Access publication in submissions to the Research Excellence Framework post-2014.

HEFCE plays a very significant role in the UK research ecosystem and as such has responsibilities to the wider research and knowledge infrastructure and to the intellectual and organizational contexts within which this occurs. The HEFCE policy on Open Access and its implementation could be an example to all on how to respond to concerns raised and in guiding the direction of travel for the UK. We ask for the considered support of HEFCE and for full consultation with all the stakeholders.

We have addressed the topics according to the HEFCE template in addition to three important considerations. Our recommendations are as follows:

- Additional periods of engagement and consultation by HEFCE with stakeholders as RCUK and international Open Access policies develop;
- A full equality impact assessment of Open Access for REF and the extension of HEFCE's current equal opportunities guidance for REF to require robust systems from universities to ensure that there is full equality of opportunity in their systems for implementing access to funds for APCs and other aspects of Open Access and the REF;
- Consideration for the position of research that is not publicly funded in the broader context of publishing opportunities and access to funds (publication and otherwise) in the publishing landscape that will result from strict OA policies;
- Clarification and flexibility regarding the word 'immediately' in relation to the deposit of work in a repository: we recommend the removal of 'immediately';
- Support for a 24-month embargo period under Green access;
- Support for the use of a CC-BY-NC-ND (creative commons non-commercial non-derivative) licence and/or the development of fit-for-purpose licences;
- A requirement for 65% compliance with the OA policy for REF post-2014, with exceptions for early career researchers, academics employed internationally and work published in international journals that are not OA compliant;
- A clear policy start date and a minimum 12-month notice period. We propose that the 65% compliance must apply only to work submitted to journals after the start date. Published outputs which have been submitted to journals prior to the policy start date should be REF-eligible for post-2014 and not subject to the Open Access policy provided they were not submitted for the REF 2014;

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- The blanket exemption of monographs and other work published in book format. This exception should be in addition to the 65% compliance proposed in paragraph 18c;
- The exclusion of open data from current OA policies until significant examination of open data, in light of research ethics and participant consent, is undertaken with all stakeholders.

Feedback on Open Access and Submissions to the Research Excellence Framework post-2014

1. The British Sociological Association (BSA) and the Heads and Professors of Sociology (HaPS) welcome the opportunity to comment on the role of Open Access publication in submissions to the Research Excellence Framework post-2014. We have addressed the topics according to the HEFCE template below after we raise three important recommendations.

Additional Consultation

2. We are very concerned with what we believe is an over hasty and poorly co-ordinated implementation of OA policies by HEFCE and RCUK. To date the policy development has been undertaken without consultation with all the stakeholders. The speed of policy development and release has not allowed for full consideration of the effects on the various participants in the research dissemination ecosystem. We recognise that the current consultation is a step to redress the lack of consultation, though more work is required to achieve a full review of policies.
3. Our most significant message would be a request for fuller consultation and a lengthy transition period to full OA publication. We are concerned that the speed of implementation is not taking account of the concerns raised in the recent House of Lords Science and Technology Committee Report. There are many issues regarding OA still to be resolved. The social sciences and humanities communities have raised serious concerns that policies being implemented reflect STEM subject models rather than the academic community more widely.
4. We also feel that coordination between HEFCE and other organisations, such as RCUK, is vital to a successful policy. Given that the policies of HEFCE and RCUK will need to be aligned for clarity in the sector, both organisations should consider the implications of these policies as well as international ones for the whole of research publication. It is not possible to significantly change the model of publication without widespread effects. As the RCUK policy continues to develop and undergo review and as the policies of international bodies are reviewed and determined, HEFCE should continue to consult and adapt its policy to recognise the changing circumstances.

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5. **BSA/HaPS request an additional periods of engagement and consultation by HEFCE with stakeholders as RCUK and international Open Access policies develop.**

Equalities Assessment

6. We believe that there are serious issues of equality – and potential inequality – that are raised by the move to Open Access. We call on HEFCE to take a role in assessing and identifying these inequalities.
7. The inequalities are likely to be created around the Gold route to Open Access publication, the payment of APCs and the access to funds to pay these APCs. We recognise that HEFCE and the REF policy do not specify a preference for the method of Open Access and that the REF post 2014 would accept material published via either route. However, we would ask HEFCE to be aware of possible inequalities. These include inequality between universities where there are large differences between RCUK funding for APCs – with many institutions getting nothing. These and other funding differences between universities will affect the ability of academics to submit under Gold access arrangements. They will find it harder to get published or may have to publish in less favourable journals.
8. It is also too early to see how university management structures and policies for supporting publication for the post 2014 REF will be affected by the combination of Open Access and funding issues. (We write this in anticipation of cuts to BIS research spending after the Budget and possible further cuts in the 2015 spending review). Our concern is that there will not be a fair distribution within institutions of funding for APCs, that early career researchers will lose out, and possibly even some subject areas will lose out to the pressures, say, from STEM subject publication needs.
9. HEFCE has taken steps to support and promote equality and diversity in research careers and BSA/HaPS fear that progress made would be at risk under the new Open Access arrangements. **We therefore call on HEFCE to initiate a full equality impact assessment of Open Access for REF and to extend its current equal opportunities guidance for REF to require robust systems from universities to ensure that there is full equality of opportunity in their systems for implementing access to funds for APCs and other aspects of Open Access and the REF.**

Definition of 'Publicly Funded'

10. BSA/HaPS are concerned about the application of the concept of publically funded research. In paragraph 1 HEFCE uses the phrase *'all research supported through our funding should be as widely and freely accessible as the available channels for dissemination permit'*. In our view, the following OA policy, applying to all material submitted to REF, will apply to much more research than that supported through HEFCE funding. The proposed OA policy does not distinguish between the input into REF, the submissions to REF, which may not have resulted from QR or other public funding, and the outcome of the REF, which will lead to QR funding for research. While public funds clearly flow for research from RCUK and through the QR grant from the

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funding councils, the impact of student fees and the phasing out of direct funding for social sciences and humanities subjects at undergraduate level bring into question the applicability of the concept of 'publicly funded' to all research that is undertaken in UK universities. Universities are increasingly private enterprises gaining a small proportion of their income from public sources. Public support of Higher Education in the social sciences and the humanities now takes the form largely of loan-support for students, not direct investment in Higher Education Institutions. With academics researching and writing in their own time and often not in receipt of specific research funding to write articles for publication, we question the appropriateness of enforcing Open Access publication on those without clear public funding as well as on those who are more clearly and directly 'publicly funded'. While it could be argued that entry into the REF (and therefore Open Access publication) is not compulsory, REF submissions are for many institutions and researchers a major route to gaining public funding in the future, making OA publication a defacto requirement.

11. **We ask that HEFCE consider the position of research that is not publicly funded in the broader context of publishing opportunities and access to funds (publication and otherwise) in the publishing landscape that will result from strict OA policies.** These considerations are particularly pertinent to some work in the social sciences and humanities, to theoretical work and other research which does not rely on significant funding to support the primary research activities. A publishing landscape that disadvantages certain types of research and publication would stifle innovation and new thinking in particular areas, and therefore would not be of benefit to the UK scholarly sector, the economy or the public.

Template responses:

We welcome advice on our expectations for open-access publications, as set out at paragraph 11.

12. The BSA/HaPS feel that there are some ambiguities in relation to the items set out in paragraph 11.

'deposited in the author's own institutional repository (see paragraph 13) immediately upon publication, although the repository may provide access in a way that respects agreed embargos (see paragraph 15)'

13. We would like clarification of the timescale for the appearance of published articles in repositories. Para 11 above uses the term 'immediately' and raises questions about how the competing demands of recognition of embargo periods and the requirement for 'immediate' placement in repositories will be negotiated in practice. A demand for 'immediate' deposit might cause difficulty if universities lack proper processes for placing material speedily in repositories. For example, not all repositories will be equipped to respect embargo periods. Where an author's repository is unable to provide that support, the author should be able to deposit the manuscript when the embargo period is lifted without penalty.

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14. We would also question the definition of 'immediately' and ask what flexibility would be considered suitable. Is there an intention to penalise authors who have not, for a variety of reasons, been able to deposit the manuscript on the day of publication?
15. **BSA/HaPS would be concerned if an overly literal application of 'immediately' led to the exclusion of staff publications from the REF. We recommend the removal of 'immediately'.**
16. Where articles are made accessible through the Gold route, the preference is for readers to access the version of record through the journal website. Deposit in a repository is then somewhat different than the deposit of the accepted, post-peer review version in a repository. For instance, publishers may provide a link to the article that can be put in the repository. As policies, technologies and practices develop, the ways in which papers are made available may change and we would expect that no undue restrictions and penalties would be imposed. **We assume that HEFCE will accept links to the version of record as 'deposit' and other methods of meeting the spirit of Green OA but would welcome explicit clarification.**

'Presented in a form allowing the reader to search for and re-use content (including by download and for text-mining) both manually and using automated tools, provided such re-use is subject to proper attribution under appropriate licensing (see paragraph 16)'

17. The BSA/HaPS believe there are difficulties for Sociology publications with the kind of licence that is being considered to be integral to a definition of Open Access: the CC BY licence. We do not believe that the problems of commercial re-use of content in Sociology and other social sciences have yet been properly addressed by RCUK or more widely in the discussion of the implementation of Open Access. There are dangers for the integrity of the social sciences and the research process in selective reuse which could result in distortion and the misuse of research. The loss of any intellectual property rights by authors does not seem helpful and we would argue that it is not integral to the argument for Open Access.¹
18. In addition any licence that provides for commercial re-use will mean that commercial providers could profit from publicly funded research with no reciprocal public benefit. Thus for example commercial publishers could develop for profit curriculum materials for which individual students or educational institutions would have to pay despite them having been based on publically funded research and publication.
19. We understand that permissive licences are designed to encourage the progress of further research and insight, but we feel that a fit-for-purpose licence should be developed allowing both suitable reuse and protection. We would encourage HEFCE's support in the development of these licences with RCUK.

¹ See, Robert Dingwall in the Academy of Social Sciences Professional Briefing on Open Access <http://www.acss.org.uk/docs/Professional%20Briefings/Professional%20Briefings%201%20Jan%202013%20Open%20Access%20Publishing%20-1.pdf>

'12. We intend that work which has been originally published in an ineligible form then retrospectively made available in time for the post-2014 REF submission date should not be eligible, as the primary objective of this proposal is to stimulate immediate open-access publication.'

20. We would welcome clarification of paragraph 12. Clearly work which has already been published in an ineligible form (not conforming to OA requirements) and eligible for the 2014 REF should not become eligible for the post-2014 REF through any change in access.
21. However, work which may be published in an ineligible form before the finalisation of OA policies (not submitted to the 2014 REF) should be considered. Given the issues around starting dates for the new policy, work that would be submitted to REF post-2014 is already under consideration or accepted by journals at the moment and may not be published in compliance with the policy. Authors of this work will not have been able to make suitable publication choices on the basis of an unfinished policy. It is not clear whether this paragraph opens up any new restrictions on the eligibility of that material.

We welcome further advice on repository use and on techniques for institutional repositories to cross-refer to subject and other repositories.

22. BSA/HaPS support the development of institutional repositories providing that all universities gain appropriate extra funding for repositories that are fully accessible via the web and for the sort of cross referral to subjects and other institutions' repositories that is envisaged here. This would need to include universities that are not in receipt of RCUK funds for APCs.
23. We would wish for HEFCE to spell out in more detail their requirements for such repositories and to say more about how it will support their development. Is there an intention to move towards a single platform for repositories or to fund and encourage software and processes to enable institutional repositories to communicate with each other? Will any such commitments also include the other UK funding bodies?

While we expect that sufficient clarity and reassurance on embargoes and licences will be achieved through the Research Council discussions, we welcome responses which address these issues.

24. In paragraphs 15-16, the HEFCE policy suggests that it will be guided by the Research Councils and the other major funding bodies on the matter of licences and embargoes. It expects 'that sufficient clarity and reassurance will be achieved'. The BSA/HaPS feel that these organisations have not responded to legitimate concerns and we request the support of HEFCE in ensuring that concerns are heard and that changes are made.
25. We believe that HEFCE too has responsibilities to the wider research and knowledge infrastructure and to the intellectual and organizational contexts within which this occurs. The HEFCE policy plays a key role in helping to respond to concerns raised and in guiding the

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direction of travel for the UK. We ask for the considered support of HEFCE on the contentious points.

Embargoes

26. BSA/HaPS have argued along with others for the need to have longer embargo periods than those deemed appropriate for STEM subjects. The HoL report noted that many witnesses called for recognition of different disciplinary needs regarding embargoes². We have now responded to RCUK on this separately and argue strongly for recognition of the importance of longer embargo periods for the sustainability of high quality journals. (We attach our response to the RCUK consultation.) We do not feel that clarity has been yet achieved by the Research Council discussions.

27. Given the key role of the HEFCE policy, we wish to mention a number of points defending longer embargo periods.

27.1 The BSA/HaPS are concerned about the survival of academic journals given the sudden nature of the change imposed by the OA policies. If the UK is to continue to publish high-quality research that has been verified by a rigorous peer review process, the implementation of policies needs to allow these journals to be financially viable. Without subscription income, the level of APCs likely to be charged in the humanities and the social sciences (HSS) will threaten the viability of rigorously peer reviewed journals and thus the dissemination of the research that they enable. Given that journals will have to offer the hybrid model of publication – Gold, Green and subscription – the embargo time for the delayed Green OA is, therefore, an important issue for the future of journals. Embargo periods that enable the maintenance of some subscription income will allow journals to survive during the transition to OA publishing. The policy for the REF post 2014 should respect embargo periods.

27.2 There are significant differences between academic disciplines regarding the effective, useful life of articles. Currency passes much more quickly in some subjects so a shorter embargo period (under Green OA) may be appropriate. The useful life of articles in Sociology and many other disciplines is significantly longer. In HSS journals, the majority of article usage is to articles older than 1 year. We do believe that this is the case with Sociology and most other social science subjects. The most read (downloaded)³ articles in the BSA's flagship journal have publication dates ranging between 1972 and 2012. In all four of the BSA's journals, over 75% of the downloads in 2012 were to articles older than one year from publication. These figures clearly demonstrate that a good sociological article has significant value long after publication and long shelf lives are not uncommon for Sociology and social science articles. An embargo period of 24 months is more reasonable than one of 6 - 12, if subscription income is to be maintained for journals – and therefore their health and existence is to be maintained. We are therefore very

² House of Lords Science and Technology Committee (2013) *The implementation of open access: report*, London: House of Lords, The Stationery Office Limited, pp 11-12, paragraphs 17, 19.

³ Most Read Articles during January 2013 – updated monthly <http://soc.sagepub.com/reports/most-read> (accessed 07 February 2013)

concerned about the ambiguity in RCUK's new statement of policy (March 2013), where the 'decision tree' implies more relaxed embargo times than the accompanying text, which suggests a rapid move to the same embargo time for all fields of research, STEM and humanities and social sciences: six months.

- 27.3 The BSA/HaPS are also very concerned about the position of Learned and Professional Societies. The BSA, as with many such societies, makes a valuable contribution to the UK research ecosystem. We are very likely to experience negative effects from the move to Gold OA. As a learned society, much of the funding that supports the work of the BSA comes from journal subscriptions. The cost of our current range of activities is not met by membership subscriptions and income from events and conferences alone. Like other learned societies, the BSA faces the prospect of drastic reductions in the services we will be able to offer our members and new entrants to our profession such as postgraduates, early career researchers and researchers outside the academy. We currently provide space and opportunities to connect researchers in Sociology, drawing attention to UK academia and attracting international specialists into the UK. We promote, support and nurture our discipline in an independent and dedicated way that no other institution or organisation can do.
- 27.4 The income received from academic journals is reinvested in the guidance, support, training and networking events, publications, peer review and award schemes which support the future of UK academic disciplines. We also function as a conduit of advice to the government and funding bodies by direct response to consultations and the facilitation of consultation meetings, through, for example, the co-ordination of responses, provision of meeting venues, and funding of travel and accommodation.
- 27.5 We also note that RCUK, (reinforced in the comments of the Minister of State, David Willetts) expects that the market will determine the level of APCs. A proper market in APCs will need to consider many more factors than have been considered to date – namely the place of peer review in OA funding models.
- 27.6 At present, peer review is not costed into APCs, but provided by academic colleagues on a dispersed reciprocal basis (i.e. to publish in a peer review journal an academic recognises the obligation to do peer review in return). This peer review is frequently organised through learned societies and other groups (sometimes organised around a specific journal title). Whereas reciprocal peer review can be maintained under a subscription model of journal publication, it is hard to see how it can be maintained by journals charging an APC: reviewers might properly consider that their services should be paid, as is the case for the review of book proposals for commercial publishers. This tendency is likely to be accentuated in a situation where funds to support APCs are unequal across institutions. Potential reviewers at HEIs with little APC funding are likely to be less willing to review for journals charging APCs.
- 27.7 We believe that the viability of journals published by learned societies is under threat. The income generated by APCs will not cover the cost of existing services that many learned societies provide in support of the peer review process (for example, the cost and

maintenance of technological infrastructure, skilled administrative support, office space and overheads, insurances, legal advice, plagiarism and complaints panel investigation, design and marketing, press communication etc.). Business and financial modelling is already suggesting a reduction in learned society support services. If peer reviewers demand payment for their work, the full economic cost of providing high quality peer review will swiftly become unaffordable for learned society journals. Thus an unintended consequence of the move to APCs may be a rapid increase in costs at the same time as income will be reducing with the shift from subscription income to APC income. We believe that the size and speed of income reduction will be exacerbated in a competitive APC pricing market where prices are driven down. For this reason, we regard as deeply worrying that reference is made to the importance of price as a factor in where to publish and that "HEFCE's policy on the REF, which puts no weight on the impact value of journals in which papers are published, should be helpful in this respect, in that it facilitates greater choice."

- 27.8 In effect, this is a direct threat to high standards of peer review in publications, which we believe is in conflict with the terms of the Royal Charters under which the Research Councils operate. These Charters require a commitment not only to the maintenance of the highest standards of research, but also a commitment to high standards in its dissemination.
28. Whilst we are still attempting to model the likely impact of current proposals and policies, it is already clear that many important academic activities are under threat. In particular, the learned society support for peer review, editorial functions, author services and general support/advice on publishing will be some of the first services to be lost. More time is needed for any transition to new systems and for the development of new business models if learned societies and our important contribution to knowledge creation and professional development is to be protected. Perhaps HEFCE and all the funding bodies should be considering ways in which they can support the real costs of currently unfunded peer review and contribute to the expenses of Learned Societies as their income declines with the implementation of Open Access policies.
29. **BSA/HaPS believe that a 24 month embargo period under Green access is the appropriate time frame to implement for the forthcoming REF post 2014 in order to give time for the assessment of the impact of the OA changes for journals, universities and learned societies.**

Licenses

30. Current RCUK Open Access policies, as well as those from other funding bodies, require research to be published under the CC BY (Creative Commons licence) which allows unrestricted distribution, reuse and remixing of any material as long as the original author is credited. This licence allows parts or all of a piece of work to be distributed, built upon, changed, remixed, etc. for both commercial and non-commercial purposes. Many stakeholders in UK academic publishing are deeply concerned with this proposed licence. Those concerned include many

academics, as reported in an author survey performed by Taylor and Francis⁴. The House of Lords report recommended that RCUK consider the suitability of the CC BY license for different disciplines⁵. However, the revised RCUK guidance released on 6 March 2013 does not show any flexibility on licences while evidence is being gathered on suitability.

31. The CC-BY licence could mean that research and data is used in unintended ways with the original author's name associated. We believe that this is a threat to the intellectual property rights of authors and opens up the potential misuse of academic research. Academic research is frequently nuanced and complex. Reuse that is not carefully considered could result in significant misuse or misinterpretation of research findings thereby reducing or negating the value to the reader and the public. In some cases it may be harmful by allowing the dissemination of misinformation or error.
32. Much social science research includes sensitive data, such as that involving vulnerable populations or research into violence or terrorism; appropriate reuse is important.
33. Currently, reuse of data is monitored and evaluated by the publishers and authors of that research. The CC-BY licence will not allow them to efficiently and systematically monitor reuse.
34. Currently, errors, addenda, additional information, etc. made to an article at, or post, publication are publicized and maintained by the publisher on the Version of Record. Unrestricted reuse of academic research under the CC-BY licence will mean that such errors, addenda and additional information are not effectively disseminated to all the reuses of the research. Without access to these elements, the value of the research to the reader and the public may be reduced or negated. As stated above, it may be harmful to allow the continued dissemination of misinformation or error.
35. Under the CC-BY licence, commercial reuse is unrestricted. UK and International commercial bodies may benefit financially from such research while not necessarily providing any return for the UK population.
36. Research publications can be enriched with visual material (photos, video, audio) and such enrichment is encouraged. Sociological research can make important use of visuals both as tools for research and as material for analysis. Such material, where it forms the basis of analysis and research in the social sciences and humanities may also be essential to the publication and comprehension of articles. With the CC-BY licence, the use of such 3rd party images, video, etc. in research publications will require significant attention and management: permission requests, possible cost of compensation to the owner of the image/video/etc. and the monitoring of the reuse will create a significant burden on the publishing ecosystem. The general naivety about intellectual property rights and online reuse is likely to create significant

⁴ Taylor and Francis survey reveals clear need for author choice of licensing options for Open Access publication of their articles, <http://www.tandf.co.uk/journals/press/openaccess-21Mar2013.pdf> (accessed on 22.03.2013).

⁵ House of Lords Science and Technology Committee (2013) *The implementation of open access: report*, London: House of Lords, The Stationery Office Limited, pp 11-12, paragraphs 18.

problems for monitoring and enforcing the correct licensing and reuse of research and its 3rd party material.

37. **We advocate further exploration of suitable licences for scholarly research. In the absence of fit for purpose alternatives, we support the use of a CC-BY-NC-ND (creative commons non-commercial non-derivative) licence. This licence will not allow commercial reuse, or tweaking or reuse of parts of an article without permission and possibly compensation to the original author.**
38. **In summary, we welcome HEFCE's support in achieving clarity and satisfactory solutions for licences and embargoes that will achieve the aims of Open Access without jeopardising the journals publishing ecosystem and authors' rights.**

We welcome advice on the best approach to exceptions and on an appropriate notice period. Any cases made for exceptions should be underpinned by clear evidence.

Exceptions

39. BSA/HaPS support the suggestion in option 'c' of a fixed percentage for exceptions for the next REF. Any alternative to this would involve the setting up of complex and costly mechanisms to consider exemptions. However, we believe that the percentage for allowable exemptions would need to be quite generous in this first implementation of Open Access REF and **we would favour a figure of 65% compliance following and applying to submissions after a reasonable notice period.**
40. In our view there will be a number of categories where exceptions will be needed.
 - 40.1 Early career staff outputs may need exemptions because the publications they produce may be published without the benefit of access to APCs or to an institutional repository, thereby making it impossible for them to comply with any OA policy. Therefore, exceptions would be needed to avoid undue exclusion of early career researchers from REF submission.
 - 40.2 Articles submitted to international journals published abroad but not Open Access compliant should be exempt. Since the emphasis in REF is on international excellence and international recognition it would be counterproductive to introduce a system which gave perverse incentives for UK academics not to publish in international journals.
 - 40.3 We also believe that there should be exemption for academic staff who have been employed outside of the UK for some part of the REF period, including a period of adjustment to take into account the time lag in publications.
 - 40.4 If proposals for the general use of a CC-BY-NC-ND (creative commons non-commercial non-derivative) licence or other suitable alternatives are not accepted then there would need to be exceptions to the licensing criteria in the HEFCE policy for articles and other

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outputs containing certain types of sensitive data, such as data concerning vulnerable groups, for research where a CC-BY licence would be in conflict with ethical guidelines, and where participant consent in research already ongoing was clearly on the basis of more restricted forms of publication and dissemination. There may also be similar issues with research articles concerning the study of terrorism or other matters touching on national security, as is the case currently with research that is subject to restricted access.

- 41. BSA/HaPS recommend option c – a percentage of compliance. We propose 65% compliance with exceptions for early career researchers, academic employed internationally and work published in international journals that are not OA compliant.**

Notice Period

42. BSA/HaPS welcome the proposal to set a reasonable notice period before these requirements will apply given the closeness of the start of the new REF period and the undue haste with which the Open Access policies are being implemented. Authors will already have made publication decisions about work that they plan to submit to the REF post-2014. Work will already be submitted and accepted for publication in journals which will not be published in final form until well into the next REF period. BSA journals for instance have an average time of 9-12 months from submission to acceptance and then a further 7-13 months between acceptance and publication. Articles published in January 2014 may well have been submitted to journals in 2010-11. These times are not unusual for scholarly journals and many have much longer time spans. As such, authors will not have made journal submission choices for this work on the basis of OA policies that were as yet undetermined. These staff should not be penalised.
43. In order to give time for academics to make appropriate journal/publication choices for REF OA compliance, we recommend a clear policy start date and a 12-month notice period before required policy compliance. In addition, we think it is vital that work submitted for publication prior to the implementation of the HEFCE policy be exempt from full OA compliance. Journals already have articles, under review and accepted, that will be submitted to the post 2014 REF – both publicly funded and unfunded work. The authors of this work could not have made journal submission choices on the basis as yet unfinalised OA policies and therefore cannot have been expected to have complied with such policies. From 1 April 2013, articles resulting from RCUK funding will have to be compliant with their OA policies; however, there will be much other work that would be submitted to REF which will not need to comply with RCUK policy. These authors also cannot be expected to retrospectively comply with currently incomplete HEFCE OA policy.
44. In recognition of time needed for authors to make appropriate publication decisions as described above, we recommend that HEFCE provide a 12 month notice period from the date of the finalisation of the OA policy and the policy would apply only to work submitted after end of the notice period. Such a notice period will make policy compliance clear and comprehensible for all stakeholders. Lack of clarity has been a major feature of OA policy to date and was the subject of comment in the House of Lords report. Clear timelines for compliance will help

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HEFCE avoid contributing to the general confusion and help ensure that such policies gain wide acceptance and compliance.

45. We here again note the confusion/contradiction between paragraphs 12 and 21 of the HEFCE policy. There needs to be clarity over the exact timings and process for compliance and we welcome clarification that does not mean the exclusion from REF post-2014 of a significant proportion of outputs.
46. **In summary, BSA/HaPS recommend a clear policy start date and a 12-month notice period. We propose that the 65% compliance must apply only to work submitted to journals after the start date. Published outputs to be submitted to the REF post-2014 submitted to journals prior to the policy start date should be REF-eligible and not subject to the Open Access policy.**

We seek comment on when it may be thought inappropriate to expect repository deposit of monograph text. Alternatively, given the percentage of submitted material which is in monograph form, we ask for advice on whether an expectation of a given percentage of compliance as described above (paragraph 18c) would eliminate the need for a special-case exception for monographs.

47. BSA/HaPS believe there should be a blanket exception on the full Open Access policy for monograph text and this should be in addition to the exceptions under the provision for a percentage of compliance.
48. Mechanisms, policies and licensing are not in place to permit the deposit of monograph text or the application of Open Access policies to monographs. While it is possible that these types of research output will eventually experience Open Access publication, it is not currently possible. Such outputs are important aspects of a researcher's work and a key proportion of an institution's submission and should not be disadvantaged.
49. Some similar issues apply to other work published in book format, i.e. chapters in edited collections, critical editions, etc. We recommend that such items also be exempt from OA policy and repository deposit.
50. **We recommend that monographs and other work published in book format be exempt OA policy and repository deposit. This exception should be in addition to the percentage of compliance proposed in paragraph 18c.**

We invite comment on whether respondents feel this is the appropriate approach or whether they feel that sufficient progress has in fact been made to implement a requirement for open data as well. We will consider any representations that such a requirement may reasonably now be developed but would also need advice on how this might be achieved.

51. The BSA/HaPS feel that data should be excluded from OA policies at this point.
52. The data reported in many social science publications is frequently a matter for Research Ethics and Research Governance Committees. This will include the protocols for informed consent, where the latter usually includes specification and consent to the purpose for which the data is gathered. Open Access policies, as they currently stand, will require a change to consent protocols and may make it more difficult to obtain consent in the future. At the same time it will be difficult to specify all the purposes to which research might be put under a very permissible licence and thus to the re-use that might damage the perceived interests of the subjects of research.
53. The BSA/HaPS therefore do not believe that there has been sufficient progress to implement a policy on open data, as RCUK recognises in their revised guidance. Indeed given the issues of sensitivity, respect for confidentiality and anonymity of research participants, the issue of vulnerable persons, security and terrorism, commercial exploitation and political misuse to which we have already drawn attention, we feel that there has been all too little engagement with stakeholders within Sociology and the other social sciences as to how these problems could be overcome. We would welcome full and proper engagement with the Research Councils and all interested parties over these issues.
54. **Data should be excluded from current OA policies and a significant examination of open data in light of research ethics and participant consent should be undertaken with all stakeholders before any new policy be applied. Again, once developed through consultation, a clear policy should be published, followed by a suitable notice period and transition phase.**

Conclusion

55. The British Sociological Association and the Heads and Professors of Sociology appreciate the opportunity to comment on these policies. The Learned Societies have a significant interest in this topic and the developing policies, but we have been little involved to date. We play a significant role as journal publishers and also as representatives of our academic communities in the dissemination of research and also the monitoring of the true effects of new policies. We hope that HEFCE will take note of these comments, those of other Learned Societies and the Academy of Social Sciences. We look forward to working with you on achieving Open Access and to being included in discussions going forward.