

**TRI-AGENCY OPEN ACCESS POLICY CONSULTATION**  
**SUBMISSIONS OF THE**  
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**INTRODUCTION**

The Canadian Association of University Teachers (CAUT) is the national voice for academic staff, representing 68,000 teachers, librarians, researchers, general staff and other academic professionals at 124 universities and colleges across Canada. We are outspoken in defense of academic freedom and work actively in the public interest to improve the quality and accessibility of post-secondary education.

CAUT commends the three granting agencies for preparing the draft Open Access Policy and for facilitating consultation on the document. The open access movement began as a reaction by academic staff to a crisis in scholarly publishing. We are pleased that that the agencies' policy is consistent with the original spirit of the movement and contains the necessary components to make the vision for minimally restrictive access to, and use of, knowledge a reality. While supportive of the draft, our submission does contain specific suggestions that in our view will better enable the implementation of this important project.

**BACKGROUND - OPEN ACCESS**

Open Access has its antecedents in a tradition of scholarly communication which saw academic staff submit articles to, and perform voluntary peer review for, academic journals. The journals would in turn sell the results of this academic labour back to the original producers. Unfortunately, while university and college library budgets remained flat or declined over time, journal prices steadily increased – more than 200% between 1986 and 2003, and another 7-11% per year every year from 2004-2008. In these circumstances academic libraries came to spend most of their acquisitions budgets on journal subscriptions, and even the wealthiest institutions experienced difficulty in affording major periodicals. For universities and colleges in developing countries the situation was even bleaker with institutions unable to subscribe to more than a handful of scientific journals. In contrast to the financial hardship experienced by the public education sector, profit margins for successful private publishers remained in the 35% range from 2002-2012.

Weary of exploitation and driven forward by financial necessity, the international scholarly community began to consider different models for disseminating the results of their work – ones that would take advantage of the drastic reduction in publications costs associated with the rise of the internet. The goal was to make academic literature freely available on the public internet for any users to read, download, copy, distribute, print, search, link and index without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Implementation of this ideal took two forms - open access journals that would publish academic articles and open access repositories that would store and make available copies of journal articles.

## THE CONSULTATION DOCUMENT

The draft document provides:

### *3. Policy Statement*

#### *3.1 Peer-reviewed Journal Publications*

*Grant recipients are required to ensure that any peer-reviewed journal publications arising from Agency-supported research are freely accessible within 12 months of publication, either through the publisher's website (Option #1) or an online repository (Option #2).*

*Option #1: Grant recipients submit their manuscript to a journal that offers immediate open access to published articles, or offers open access to published articles within 12 months.*

*The Agencies consider the cost of publishing in open access journals to be an eligible expense under the Use of Grant Funds.*

*Option #2: Grant recipients archive the final peer-reviewed full-text manuscript in a digital archive where it will be freely accessible within 12 months (e.g., institutional repository or discipline-based repository). It is the responsibility of the grant recipient to determine which publishers allow authors to retain copyright and/or allow authors to archive journal publications in accordance with funding agency policies.*

*Grant recipients must acknowledge Agency contributions in all peer-reviewed publications, quoting the funding reference number.*

As noted at the outset, the position of CAUT is that the model proposed by the three agencies will further the goal of making publicly-funded scholarly research available with minimal restrictions. The councils are to be commended for the leadership role they are providing in this area. In support of the document's goals, we have the following points:

### 1) Academic Freedom

We are pleased to note that the draft provides:

*The following principles guide the Agencies in promoting open access to research publications:  
Committing to academic freedom, and the right to publish; ...*

The imposition of a requirement to publish in open access journals would violate the academic freedom of those academic staff members who wished to publish in non-open access journals. By providing the alternate option of making works available through institutional repositories, this concern is alleviated in part. This choice, however, does not address restrictive publisher copyright practices that serve as a pre-existing restraint on the choice of publication venue. When authors are compelled to surrender copyright to publishers, their freedom to pursue open access alternatives is constrained. CAUT understands that the granting agencies cannot force publishers to allow authors to retain copyright, but a statement from the councils about the importance of author ownership of copyright would assist academic staff in their negotiations with publishers to retain copyright.

## 2) Simultaneous Compliance with Option #1 and Option #2

Option #1 in the draft policy indicates that the publication of an article in an open access journal meets the councils' open access requirements. As an alternative, Option #2 provides that these requirements are also met if the author deposits the work in a digital archive. CAUT's position is that both steps are necessary to further the goals of open scholarly communication – archiving will shield authors and articles from changes in journal open access policies and journal demise. For these reasons, and to ensure the timely dissemination of scholarly articles and journal accountability under the policy, CAUT advises that:

**Recommendation 1) Simultaneously with their publication in an open access journal, articles must also be deposited in a digital archive.**

## 3) Embargo Period

The draft policy's Option #1 provides that grant recipients submit their manuscript to journals that offer either immediate open access, or access within 12 months of submission. Option #2 contains the same embargo period, requiring that authors place their final peer-reviewed full-text manuscripts in a digital archive where it will be freely accessible immediately or within 12 months.

CAUT's perspective is that any embargo on the release of articles is in defiance of the general principle of scholarly communication that all new knowledge should be made available at the earliest possible moment. While the impact of such embargoes - whether for the purposes of pursuing intellectual property protection or to protect obsolete publication models - is always harmful, it has a particularly deleterious impact in fast-moving areas of research. In this context we advise that:

**Recommendation 2) The embargo periods in Option #1 and Option #2 be set temporarily at six months and subject to a yearly review process directed at their complete elimination within three years.**

We note also that under Option #2 the draft policy provides:

*It is the responsibility of the grant recipient to determine which publishers allow authors to retain copyright and/or allow authors to archive journal publications in accordance with funding agency policies.*

As we indicated above, the practice of some publishers to refuse requests by authors for copyright retention forms a barrier both to choice of publication venue and open access. As such we advise that:

**Recommendation 3) The councils issue a public statement affirming the importance of author retention of copyright and provide assistance to authors in their attempts to do so.**

Finally, with respect to the embargo issue, CAUT's position is that any embargo must not override statutory rights of access. We therefore advise that the policy make clear that:

**Recommendation 4) An article embargoed in a digital archive shall be subject to the same fair dealing rights and inter-library loan provisions as a subscription digital or paper copy of the same article held by an institution.**

#### 4) Funding

CAUT is pleased that the draft policy indicates the cost of publishing in open access journals is an eligible expense under the Use of Grant Funds. We would be interested in the document further indicating the intention of the councils with respect to funding initiatives directed at:

- national support for institutional digital archives; and
- support to aid the transition to open access by scholarly societies dependent on journal subscription business models.

#### 5) Implementation date

The draft policy provides that the CIHR policy continues to apply to all grants awarded from January 1, 2008. September 1, 2014 is proposed as the open access implementation date for SSHRC and NSERC. In light of the long discussion of open access in the scholarly community (over ten years), and Canada's slight lag in open access implementation compared to other developed nations:

**Recommendation 5) September 1, 2014 is an acceptable implementation date.**

## CONCLUSION

The results of publicly-funded research should be a public good and not a source of private profit. Academic staff are committed to seeing their work distributed and cited as widely as possible; for-profit publishers have a competing interest in limiting access to those with the ability to pay. By democratizing and de-commodifying access to scholarly literature, open access allows for faster and broader dissemination of papers and contributes to the global progress of knowledge. Subject to the recommendations above, CAUT strongly supports the efforts of the three granting agencies to move this important project forwards.

Respectfully submitted,



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President



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