University of Birmingham feedback in response to the Guidance on the Implementation of Plan S

8th February, 2019

We believe it is important that an institutional response from an organisation as diverse and complex as the University should reflect the varied opinions of its population; inevitably there are a huge range of differing opinions and levels of engagement with Plan S to date. While the University and its community fully supports the long term goals of cOAlition-S to achieve full open access, there are many concerns about the impact of the medium-term transition period between where we are now, and the ultimate goal – on both University financial sustainability, and also on the international reputations and academic freedom of our researchers.

In the interest of transparency, we note that this response was originally drafted by the University's Library Services from where the administration of, and support for, current Open Access activity resides. It was subsequently reviewed by the University Research Committee and amended to further reflect the concerns/comments of the University's research leadership. We have not, however, conducted a deep analysis of our entire researcher community's views and as such we would encourage cOAlition S to consider the comments it receives from the full range of researcher led societies and organisations to be reflective of the differing viewpoints likely held across the University of Birmingham.

Is there anything unclear or are there any issues that have not been addressed by the guidance document?

Institutional responsibility for funding Open Access

To aid institutional planning we would like to see more attention given to how cOAlition S expects the costs of Open Access transition to be met. The implementation guidance states that "*cOAlition S members will ensure financial support for OA publishing via the prescribed routes to compliance*", but Principle 4 also states that "*Where applicable, Open Access publication fees are covered by the Funders or universities, not by individual researchers*". We do believe it is reasonable for institutions to shift current subscription budgets to OA if/when it is possible to reduce subscription payments because the vast majority of worldwide research outputs are available immediately on a OA basis. This is likely, however, to happen gradually and it may not be reasonable to ever shift entirely away from a subscription/membership model in cases where a publisher chooses to offer immediate green OA. Furthermore, if we do see Plan S aims brought about by a widespread flip of existing titles to full OA, Universities will need to bear the costs of publication for authors with other (non cOAlition S sponsor) funding/no external funding.

It would be useful, therefore, if cOAlition S could answer the following questions, both in terms of the transition period (2020 – 2024) and longer term:

1. What role does cOAlition S see for Universities in paying for the costs of Open Access
   a. For cOAlition S member funded authors publishing in compliant journals or on compliant platforms?
   b. For unfunded / alternative-funded (non CoAlition-S) authors publishing in the newly transformed fully OA publishing landscape?
2. Are Plan S funders committing long term to paying the totality of reasonable APC charges in compliant OA journals for outputs they have funded?

Transparency and additional charges

The implementation guidance calls for increased transparency, it would be useful to have more information on what transparency means in this context:

1. Can we expect to see the costs of the various elements of the editorial and publishing process broken down in a consistent manner across all publishers?
2. Is/will there be a standard set of elements which cOAlition S members would expect to see broken down before committing to funding an APC?
3. Is the expectation still that there will be a hard cap on APC costs as per Principle 5 (particularly noting that Wellcome's Plan S compliant policy has stopped short of applying a cap, but rather uses the word 'reasonable' to identify what it will pay for)?
4. Will there be scope for APC caps to vary (for example between disciplines; or where additional value added services are offered)?

If it emerges that it is not feasible to recommend a single global cap, clear guidance around what transparency means and what reasonableness means will be required to help authors / institutions / publishers remain compliant.

Will cOAlition S members fund additional charges which publishers sometimes levy on top of APCs e.g.

- Colour charges
- Licence charges (e.g. American Chemical Society charge anadditional $1000.00 to add a CC-BY licence)

Our strong preference would be that such services are folded into the standard APC and neither authors, institutions or funders should be expected to pay additional charges for what, in the modern electronic environment, should be standard.

Alternative OA models

Whilst Plan S allows for a viable Green OA route, we believe that as it is currently framed, there is too much emphasis on the pay-to-publish route. In the interest of clarity it would be useful to see alternative OA models (inc. Green, Platinum/Diamond) given more prominence as viable routes to ensure that authors are encouraged to continue to support what in the long term are potentially much more cost effective and to date probably more innovative scholarly communication avenues. Whilst we understand that these routes are viable, we are concerned that too much emphasis on

payment of APCs may put authors off exploring those alternate routes and continue to prop up a publishing environment based on venue status rather than inherent article quality.

We believe Green OA has a particularly valuable role to play for smaller learned-society publishers where shifting to pay-to-publish business models in a short timescale may not be practical and may not provide long term security of revenues. In this regard we are pleased to see the proposed Wellcome / UKRI consultation on business models for learned societies and hope that a long term Green solution is considered alongside other business models. As an institution we would certainly consider committing to long term financial support on the basis of either a reasonable subscription or membership model for non-profit learned societies which are willing to allow authors to immediately deposit an AAM in a repository under a CC-BY licence

Monographs and book chapters

In the UK we are conscious that OA monographs have been posited as a requirement for the Research Excellence Framework exercise which will apply to research outputs published from the beginning of 2021. Conversely, scalable, sustainable business models for OA monographs remain remote.

In the humanities and creative disciplines, there are very specific concerns around any mandated requirement to make monograph based outputs OA across the board. This is not to say that OA is viewed as an inherently bad idea and in some areas there is certainly a desire to be able to do more to make book and monograph based outputs more OA to take advantage of the potentially greater impact and public engagement this may garner. The concerns include:

- Ability to be taken seriously on a worldwide stage if one cannot publish with high profile Presses (long established American University Presses are particularly noted in this regards)
- Ability to reach a non-academic audience if publication is not made via established and respected publishers
- Ability to collaborate internationally with authors who are not under the influence of Plan S and who will continue to have a preference for high profile publishers irrespective of any research culture changes in Europe
- Quality and impact of current OA monograph publishers and publishing platforms
- Disadvantaging of unfunded humanities researchers with no access to funds for OA
- Current costs of pay to publish OA with established Presses
- The continued importance of print as a medium both in academic discourse and for more widespread public dissemination of humanities research
- Licensing complexities, particularly in creative disciplines where there is significant use of 3rd party material and/or outputs are also a source of income generation

While as an institution we do believe there is a future for OA monographs, we would point out that OA for journals has grown over a 20 year period through a significant amount of experimentation by publishers, researchers and funders and despite the burgeoning of OA outputs, it has seen many wrong turns. But we have also seen significant innovation which has now allowed Plan S to put forward a strongly compliance led position, reasonably secure that underlying infrastructure is in a position to cope. In the area of book and monograph publishing we have not seen that level of experimentation. It might be worth looking at the parallels with ebook publishing before simply

attempting to force the issue through mandates. Whilst we saw a relatively quick shift in journal publishing to the universal adoption of e-journals, to the extent that academic print journals are now rarely purchased or used, we are still a long way from that position for books and monographs. Libraries still purchase significant print collections, in part because of reader preference, but also because publishers have failed to find sustainable business models for electronic books in the academic environment. Established publishers are likely to be equally or more resistant to adopting wide scale OA practices.

More broadly across the full disciplinary base of the University - despite having had 5 years in the UK where all researchers have been required to engage with OA practices under the REF OA policy, the most common concern about Plan S across journal focused disciplines (particularly STEM) remains the 'academic freedom' argument; the idea that not being able to publish in the venue of choice because it does not offer suitable OA, will impact on one's career, one's overall research impact, and/or ones international research profile. There is concern that a requirement not to publish in journals that have the highest international visibility currently will diminish not only individual profiles but also the international profile of European research.

 For monograph focused disciplines, these opinions are understandably even more entrenched as there has been much less opportunity for researchers in these fields to engage with OA activity and success is still heavily determined by the presses one publishes with. We appreciate that shifting the culture of venue profile to individual research output quality is a key component of cOAlition S thinking, but we would request that significant evidence based consideration is given to concerns of humanities researchers before jumping to mandate OA monographs at scale. Without providing humanities researchers and publishers the opportunity to experiment with OA and have their concerns tested, there is a real concern, particularly with Plan S at present being largely constrained to Europe, that academics who wish to ensure their research is taken seriously world-wide will seek opportunities to conduct their research in other territories, with subsequent impact on the quality of European based humanities research.

We note that some Plan S funders already have long established OA monograph policies, which essentially see the funder meet the full costs of making the online version of a monograph OA through established publishers (e.g. Wellcome Trust). We suspect, however, that this approach would not be sustainable at scale and would express serious concern about any attempt to simply shift such costs to institutions. We ask that before any mandate around monographs is introduced (and from our perspective in the UK, this particularly refers to the next REF exercise and associated policies which would potentially encompass all humanities researchers in HE institutions), Plan S produce a clear timeline for consultation and analysis of the monograph publishing environment, which includes all key stakeholders. We would not be averse to Plan S making recommendations ahead of such consultation, which may encourage increased experimentation with OA Monograph publishing via newly emerging platforms, and start to develop an evidence and issue base on which to build further consultation and policy in this area.

However cOAlition S decides to progress the OA Monograph question, we would be keen, for more detailed information about activity which will be undertaken to review the OA monograph landscape; and to identify at least minimum timelines. We believe this is important so that:

1. Institutions can make informed decision about investing in local infrastructure for monograph publishing which is potentially costly and involves significant lead in times (e.g. New University Press).
2. Humanities researchers are not side-lined in the ongoing consultation and discussions simply because their disciplines are monograph focused.

Other output types

We could also like to see an explicit statement about the types of output which Plan S will apply to as of 2020 and what outputs it will endeavour to encompass in future (what about conference papers; white papers; creative media etc.?)

Institutional Repositories

The implementation guidance sets a high bar to technical compliance for open access repositories. The UK has seen huge investment in institutional repository (IR) infrastructure to meet compliance with its Research Excellence Framework and this has contributed to the UK demonstrating high levels of Open Access across its research outputs (https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2017/monitoring-transition-open-access-2017.pdf). While we fully support the idea that Green OA should be under the condition of immediate access with CC-BY, we are concerned that a large proportion of the UK repository infrastructure will not be able to meet the technical compliance standards set out. Not taking advantage of that existing infrastructure seems counter to the goals of Plan S. While we agree that IRs have a significant role to play in the archiving and preservation of research outputs, we believe they should continue to have a major role in the discovery of and open access to original research outputs.

Furthermore by taking a stronger stance on the role of open source and open standards in building on existing repository infrastructure to meet Plan S aims, we believe that cOAlition S could encourage development of truly transformative and future proofed Open Science platforms (for example the development of preprint servers that allow compliant overlay journals and support emergence of platinum/diamond business models at an institutional/cross institutional level. To this end the University of Birmingham fully endorses the comments of the Coalition of Open Access Repositories (COAR) in response to the Plan S Implementation Guidance (https://www.coar-repositories.org/files/COAR-response-to-implementation-of-Plan-S-February-6-2019.pdf)

We believe that supporting open infrastructure with a network of repositories as its foundation may also help surface cost effective solutions to the problem of OA monographs (e.g. initiatives such as ScholarLed - https://scholarled.org/)

If cOAlition S does wish to maintain the high technical standards laid out, then a strong commitment on behalf of funders to invest in developing infrastructure, skills and cross institutional collaboration around repositories will be required.

Transformative agreements (timeline)

We would value greater clarity around the transformative agreement timeline. The implementation guidance indicates that as of Jan 2020 funded papers will need to meet one of the three compliant routes (compliant OA Journal or platform; immediate OA via compliant repository under CC-BY;

subscription journal covered by transformative agreement). However, in its discussion of transformative agreements (section 11), the guidance indicates that such agreements can run for 3 years and contract negotiations need to be concluded before the end or 2021. This prompts 5 questions:

1. Can you confirm this means the transformative agreement arrangement can potentially be in place until end 2024?
2. Do you expect all cOAlition S members to abide by these timescales (noting, for example, that the new Wellcome guidance on allows a much shorter transition period)?
3. During 2020/21, will cOAlition S funded authors be permitted to publish in subscription titles with publishers who have not yet entered into negotiations and may or may not have indicated they intend to do so before the 2021 deadline has been reached?
4. During 2020/21, will cOAlition S funders pay for authors to publish in hybrid journals (under immediate access, CC-BY) where their publisher has not yet entered into negotiations and may or may not have indicated they intend to do so before the 2021 deadline has been reached?
5. If the answer to either of Q2 and Q3 above is dependent on publishers being actively engaged in negotiation, who will be the arbiter of this. How will the community know which publishers are in negotiation; and is there a risk that NDAs and confidential information clauses will continue to hinder visibility of relevant information?

Transformative agreements (substance)

We would also welcome more clarity around the substance of transformative agreements, particularly as institutions and publishers are already involved in negotiation of contracts which extend beyond the end of 2019. In the UK we are seeing JISC push for transformative agreements which combine a single annual pay to publish and subscription fee, with the pay to publish element providing a fixed number of OA publications in existing titles (including hybrid) at either an institutional or consortia scale. Such deals seem to be being baselined at the existing subscription cost + a figure estimated from past OA publishing activity. Year on year those deals see the pay to publish element increase potentially up to 100% of the total cost of ownership (with a corresponding decrease in the pay to read element). Several questions emerge given these deals are being driven by the need for transformative agreements under Plan S.

1. Are such deals adequately transformative given they make no reference to fully flipping titles to Fully OA and potentially allow publishers to offer a fully pay to publish offer in some regions while retaining a pay to access model for the same title in other regions?
2. The pay to publish element of these deals can be accessed by cOAlition S funded authors and those who are not. What contribution will cOAlition S funders make to such deals and will this change over time as the Pay to Access element declines? Will, for example there be an expectation that library subscription budgets freed up in this way are shifted to the Pay to publish element? Are cOAlition S modelling different potential scenarios (e.g. what if library budgets are not freed up because a significant commercial publisher instead chooses to allow compliant Green alongside an existing subscription model)?
3. At the end of a transformative agreement we would expect to move to a scenario where some publishers have fully flipped their titles to fully OA to remain compliant with Plan S.

This means authors not funded by cOAlition S funders will have to pay APCs to publish. Is the expectation that Universities (and/or other funders) pick up the cost of this element of publishing? Again are cOAlition S modelling what this may look like and taking this into account when considering reasonable APC charges?

UKRI should put a firm timeline in place around transformational agreements with hybrid publishers – and should emphasise Green OA and not accepting additional page/colour charges as a necessity in any consultation in this area.

Consistency

Is an expectation of cOAlition S that publishers of compliant journals will levy the same APC charges and conditions (e.g. Waivers) to both cOAlition S funded authors and those who are not? This may apply to authors who share institutions with cOAlition S funded authors; authors in institutions which do not routinely attract cOAlition S member funding; or authors from parts of the world where Plan S does not apply.

Are there other mechanisms or requirements funders should consider to foster full and immediate Open Access of research outputs?

Block grants

The block grant approach taken by UKRI and COAF in the UK has worked reasonably well from a Research Intensive University perspective and while in this context it has added a significant administrative burden, we strongly suspect the ability to manage OA budget centrally and provide dedicated support to publishing authors has been far more effective than having authors manage the process from their own grants. It has also allowed institutions to monitor OA publishing and enter into pre-pay, offsetting etc. agreements with publishers where those agreements are cost effective. We would, therefore support the continuation of a block grant approach from cOAlition S funders. This does, however, raise 3 considerations:

1. If cOAlition S funders intend to meet the full cost of APCs in compliant journals/platforms, grants should not be capped (or there should at least be a means for extending block grants where publication output exceeds levels anticipated in a given year)
2. In the spirit of transparency cOAlition S funders should make public their formula for estimating the size of block grants at an institutional level
3. There must be an clear mechanism for authors in institutions which only attract low levels of funding from cOAlition S members, to receive APC funding and meet Plan S compliance requirements

Administration

In the UK the administrative burden required to manage two block grants and associated reporting requirements is extreme. This is the consequence of:

- Differing awarding periods between grants
- Different compliance targets between funders (including those represented under the same block grant – e.g. MRC compared to other UKRI funders)
- Different Open Access Policies between funders
- Different reporting requirements between funders
- Lack of transparency in how grants are calculated (particularly RCUK/UKRI)
- The need to also maintain different compliance with a range of other funder OA policies which are not covered by a block grant (most significant being the REF OA policy)
- Hugely varied publisher systems and processes
- Hugely varied publisher policies
- Too many edge cases leading to intractable issues which funders have refused to assist the community in resolving (e.g. UKRI requirement for a CC-BY-NC licence under Green; while Elsevier consistently argue that that requirement is not in the original policy and will only allow green under a CC-BY-NC-ND licence)

Given the welcome transition to a more fully Open Access publishing environment is likely to see a significant increase in the amount of APC transactions taking place, we would like to see cOAlition S members:

1. Endeavour to streamline / align processes to alleviate this administrative burden
2. Develop standardised reporting across funders, ideally facilitated through central systems such as JISC Monitor
3. Be explicit with publishers about minimum standards for OA transactions
4. Encourage publishers to engage with systems which automate processes around Open Access (e.g. JISC Router)

In the UK, we are conscious that UKRI being a member of cOAlition S has the potential to impact on Open Access requirements for all researchers in HE institutions via implementation of the Plan-S requirements for all submitted outputs in the next REF exercise (post 2020). We note that this would need to be a decision made jointly by UKRI (via Research England) and the other funding councils for Scotland, Wales and Northern Ireland, who are not currently members of cOAlition S, and should be consistently applied across all 4 countries. We would urge the funding councils to proceed with caution and an appropriate level of consultation with the academic communities before making a decision on such an implementation. There is recognition at this University that to maximise OA take up, while minimising complexity of the message and administrative burden, there should be an alignment of the Open Access requirements for the next REF (for outputs produced in 2021 onwards) with Plan S. However it is very important that due appreciation is given particularly to the concerns of humanities researchers and in relation to the question of OA monographs (as discussed elsewhere in this response) to ensure that consistency is not to the detriment of particular disciplines.

Views within the University of Birmingham about application of Plan-S to future REF exercises are divergent. There is significant concern on the part of humanities researchers, that any move to require all authors to comply with Plan S type OA requirements for the REF exercise would be

detrimental. In particular, the inability/lack of incentive for HSS journals to flip for what is currently only a small proportion of world-wide research output, would put effective publishing routes out of reach of authors in HSS disciplines. These arguments may apply more widely to other disciplines (STEM and SS) too, hence wide consultation before implementation is crucial.

We further strongly urge that Research England ensure a viable Green option remains in place to allow institutions which are not in receipt of other cOAlition S member funding (or have a high proportion of non-funded authors), to remain compliant (the UK-SCL may be a means by which to achieve this – see Harvard Style Licence below).

Developing sustainable OA in the Humanities

As seen across the broader academic community, at University of Birmingham we are aware of particular concerns about Plan S from Humanities disciplines. Some of these are highlighted in our response to Question 1 of the consultation under Monographs and Book Chapters, where we propose further analysis is carried out before mandating OA activity. We also note concerns around both the highly permissive OA licences which Plan S seeks to impose on outputs and potential for subsequent misuse of outputs that are not CC-BY-NC; as well as those around the abandonment of embargoes, which is typically linked to concerns over the sustainability of learned society publishers.

We note that the current REF OA policy in the UK does allow for a longer embargo period for non-STEM disciplines; and that, in part due to prevalent funder mandates, the use of CC-BY as a standard licensing tool is much less widely tested in humanities disciplines. In the interest of not alienating humanities researchers in the adoption of Plan S, we would urge cOAlition S to provide researchers in certain disciplines an opportunity for transition in the same way is being offered to publishers. In particular we would suggest:

- CC-BY/CC-BY-SA is the recommended/default licence, but with the option to choose a less permissive licence by exception for a limited number of years
- A review of the impact of permissive licensing on humanities outputs is carried out after 3 years to test current theories about both the risk and potential benefits of CC-BY/CC-BY-SA
- The progression to compliance of learned society journals and/or the emergence of alternative compliant venues is closely monitored at a discipline level throughout the transition period to ensure that researchers practicing specific disciplines are not disadvantaged against either other disciplines, or within the international arena.

We believe this is particularly important in the UK if future quality related (QR) funding is dependent (via the REF exercise) on all of an institution's outputs being published in line with Plan S type arrangements. We further believe that for disciplines with less current experience of making outputs available for all types of re-use at the point of publication, working with them to assess the benefits/risks is likely to encourage much more significant future buy-in, than simply enforcing an unpopular and untrusted mandate.

Harvard Style Licence

We believe there could be significant benefit in the widespread institutional adoption of a licence similar to the UK-SCL (http://ukscl.ac.uk/) previously proposed in the UK. Those benefits are:

- As a mechanism to ensure copyright is retained by institutions/authors irrespective of any subsequent copyright transfer agreement (CTA) signed with a publisher
- As a mechanism to reduce administrative burden around Green OA (such a licence will take precedence over a subsequent CTA and so long as publishers have been informed that the licence exists, it will behove them to reject submissions to subscription titles where they do not want immediate Green OA under a CC-BY rather than institutions have to navigate the myriad of different publisher policies)
- As a mechanism to encourage publishers to allow compliant green (adopted at scale, publishers unwilling to allow compliant Green OA would have to flip to full OA or risk losing the ability to publish a huge amount of highly influential European research)
- As a transitionary mechanism to simplify publication in learned society journals which choose to offer a compliant green route while transitioning titles to full OA
- Such a licence may help institutions without cOAlition S funding to meet compliance with national research assessment exercises governed by cOAlition S members (e.g. Research England and the REF in the UK)

We would encourage cOAlition S members to support the adoption of such a licence at a national/international level. That support may take the form of engaging in licence development, informing publishers en-masse that the licence is in place at relevant institutions, adding the licence as a tool for compliance to policies as they are developed.

Communication and consultation

It is important that all researchers in receipt of relevant grants are informed around the development of new policies and provided appropriate information and guidance in a clear and straightforward manner. This should ideally be happening now and should be included in information for new grant holders both in the run up to Plan S coming on stream, and beyond.

cOAlition S funders must consult openly on the development of new policies and ensure all key stakeholders are given an opportunity to be involved.

Persistent Identifiers

There would be value in mandating ORCID IDs for funded authors and ensuring all funded publications reference the relevant IDs. Widespread adoption of ORCID alongside other Persistent Identifiers will help underpin the development of new Open Research infrastructures.

Transformative deal approval

We would like funders to maintain (or clearly indicate who is responsible for maintaining) lists of approved transformative agreements. From an author/institutional perspective it would be useful if there was a 'one stop shop' to check Plan S compliance at a title/publisher level irrespective of specific funder. This might, for example look similar to the JISC Sherpa Romeo service, but with the inclusion of transformative compliance information. Ideally information held in such a service would be accessible via an API as well so it can be integrated into local systems.