

1st February 2019

Feedback from the Jisc Collections Content Strategy Group to the Guidance on the Implementation of Plan S

On behalf of the members of the [Jisc Collections Content Strategy Group](#) (JCCSG) I would like to thank cOAlition S for the opportunity to provide feedback to the Guidance on the Implementation of Plan S.

The JCCSG represents the Jisc membership of UK academic institutions and supports Jisc Collections in developing and advancing its strategy for cost-effective acquisition and delivery of electronic information resources. It provides leadership and guidance for national negotiations, reflecting the requirements of all its members – large, small, research intensive, teaching focused - to ensure the best possible licensing terms and conditions are achieved.

The group is highly informed on the journals subscription market and Open Access (OA) and provides considerable input on Jisc Collections' approach to negotiations covering both subscriptions and open access and the issues and challenges surrounding 'offsetting' and 'Read and Publish' agreements.

The JCCSG shares the frustration at the current slow progress towards OA, especially from a UK perspective where additional investment from funders and institutions (particularly on payment to hybrid journals), has not been matched by savings in the management and payment of journal subscriptions¹, that would make such investment sustainable in the long term. Such was the Group's collective frustration with the rate of progress that since 2017 the agreed primary objective of Jisc Collections' Big Deal negotiations with publishers has been to focus on securing genuinely cost effective transformative agreements². In September 2018, ahead of the release of Plan S, the Group published their 'Requirements for Transformative Open Access Agreements'³. The Group therefore welcomed the impetus and urgency that cOAlition S has given to discussions around OA and the objective of making full and immediate OA a reality.

Based on the Groups collective experience, both at the local and national level, we offer the following recommendations to cOAlition S, which we anticipate will enhance the efficacy of Plan S. Given our focus on negotiations these recommendations are primarily directed at Transformative Agreements:

¹ For further discussion on these issues see Jisc's open access briefing paper: Considering the Implications of the Finch Report

(<https://scholarlycommunications.jiscinvolve.org/wp/2018/10/22/open-access-briefing-paper-considering-the-implications-of-the-finch-report/>)

² Earney, Liam. 2018. "National Licence Negotiations Advancing the Open Access Transition – a View from the UK". *Insights* 31: 11. DOI:<http://doi.org/10.1629/uksg.412>

³ <https://www.jisc-collections.ac.uk/Transformative-OA-Regs/>

Challenges associated with 'Transformative Agreements'

Whilst there is evidence that transformative agreements can effect a rapid move to open access for individual national publisher agreements, bring administrative efficiencies for institutions, researchers and publishers, and cap the unsustainable increases in expenditure on hybrid open access⁴, these benefits come with some disadvantages and challenges that will need to be monitored and mitigated if such agreements are to be used as a truly sustainable driver of the transition to immediate OA.

Based on the experience in the UK, we note the following:

1. An initial increase in overall expenditure as existing subscription and APC spend is bundled together. Even with discounts or reductions on each element, the formalisation of APC spend across the institution and the ambition to increase OA to cover 100% of output, combined with the need to continue the 'Read' element as the majority of content remains behind a subscription barrier, increases the overall expenditure. This issue is associated with the challenge facing early adopters leading the transition from subscription to OA and is particularly acute for research intensive institutions and countries, who are faced with the potential for significant additional exposure to APC charges.
2. A requirement to commit significant funds to pay for publishing, in advance of actual use, perpetuates the existing (non-competitive) models and ties up funding at the expense of pure gold, smaller or society publishers. It also stifles ability to explore other innovative models, which face the comparable treble disadvantage of seeing available funding squeezed, the level of funding much more volatile and being forced to receive their funding in arrears.
3. A reliance on historical print spend as the basis, and often baseline for the total fee paid to a publisher. Whilst this is a pragmatic step in the early iterations of such agreements, over time a break with historical print spend is an essential requirement of any genuinely transformative agreement.
4. Transformative agreements have been / will only be implemented by some of the publishers with whom institutions have agreements and thus institutions will need to continue to pay existing subscriptions to other publishers. If institutions are initially committing more expenditure to transformative agreement, the financial sustainability other agreements will be threatened.
5. Transformative agreements have been primarily utilised and may work best with large STM publishers who are in receipt of large amounts of subscription expenditure, with a significant surplus, and publish significant numbers of papers from researchers (often in receipt of grants that support APC payments). Since such publishers are often already receiving significant additional APC revenue, their profit margins allow them to enter into transformative agreements in a relatively pain free manner. It is much less clear that they work effectively in a situation where a publisher may receive relatively little subscription income from a country, yet publish a high number of articles. These publishers may not be able to reduce subscription income at the global level without significantly increasing APC income from research intensive countries – such publishers tend to be smaller, society and disciplinary based publishers, especially in AHSS.
6. Whilst there may be more than enough money in the system overall to effect a transition to OA, and transformative agreements will be a part of that transition, currently the allocation of that money at the global, national and institutional level can act as a barrier to implementing such agreements, since the most research intensive institutions may be unable to meet the additional costs their research intensity will require.
7. The successful implementation of transformative agreements requires underpinning infrastructure to allow accurate reporting and an acceptable workflow for both institutions and their researchers. The wealthiest and largest

⁴ Lawson, S. (2018) *Report on offset agreements: evaluating current Jisc Collections deals. Year 3 – evaluating 2017 deals*. DOI: <http://doi.org/10.5281/zenodo.1473588>

publishers are better able to implement such infrastructure and consequently, as transformative agreements are mainly with large publishers, we face the risk of smaller and less wealthy publishers not being able to implement workable transformative agreements.

Challenges associated with the 'Plan S' approach

In the UK, the primary aim of negotiations has been to seek cost effective transformative agreements. Progress with Wiley, Springer, OUP, RSC, CUP, IoPP, T&F and others has been welcomed and a highly iterative and evidence-based approach to the negotiations has been adopted whereby the approach taken to each publisher is adapted.

There is a concern that relying on transformative agreements as the only mechanism for publishing in hybrid journals adopts a one size fits all approach to 'publishers', which fails to recognise their diversity and the appropriateness of 'transformative' in specific cases. Whilst the Group supports the ban on hybrid where a publisher is capable of engaging but does not, it is concerned at the likelihood of unintended consequences if such an approach is taken in all cases.

The current lack of clear definition on what constitutes a 'transformative agreement' exacerbates this challenge, the UK has already experienced this with institutions expressing an unwillingness to engage with agreements that start the process of transformation for fear that they will turn out to be non-compliant.

Plan S requires transformation beyond Europe to be viable

The Group, whilst supporting transformative agreements and welcoming the constructive approach most publishers have taken to implementing them, is concerned that as currently conceived, our members and their authors may be penalised regardless of the success of the UK in moving to OA. Even if the UK was in a position where 100% of publication output was OA, where genuinely transformative cost-effective agreements were in place and where there was demonstrable commitment from publishers to a transition to OA at a global level, our authors might still be barred from publishing in titles if other countries refuse to implement similar transformative agreements. Without global uptake of transformative models, publishers would need to maintain existing subscription-based models and thus the ability for the publisher to flip a title from hybrid to fully OA will remain compromised. UK authors would not be able to publish in that title and this risks censoring the wrong groups (be they authors, institutions, or publishers). Furthermore, it is likely to create an unintended coalition in opposition to OA, allowing those who have done little to support a transition to use the reasonable grievances of those who are demonstrably supporting a transition as a smokescreen to call for the abandonment of funder policies in this area etc.

Recommendations

1. **Transformative agreements function best as part of a suite of approaches** There will be places where the type of 'Read & Publish' agreements that we currently understand as transformative should be used. Even within these types of agreements, there is an increasing need for them to be adaptable to the publishing profile of individual institutions so as to remain cost effective. 'Read & Publish' agreements alone will not work for all and other transformative approaches not based on APCs will have equal if not greater efficacy in some cases or disciplines, such as AHSS.
2. **Recognise and support the value alternative models will bring** We would urge Plan S funders to take a more nuanced approach, to support a range of models, and to provide guidance on the models that function best in different contexts. These might include Green OA, Alternative Publishing platforms, institutional rights retention policies, library partnership models etc. Such an approach would undermine any charge that Plan S is unresponsive to the needs of different communities or the lag in take up of OA globally.
3. **Apply the end date for hybrid OA judiciously**

The 'cut off' for publication in journals still operating globally under the subscription model be applied judiciously in recognition of factors such as institutional and country research intensity, subject area, publisher portfolio and profile, author profile, demonstrable actions by publishers in support of not just OA but effecting a global transition to OA (for example by implementing our requirements for transformative agreements⁵). It is important that there is clarity on whether Plan S applies to publisher agreements or individual journals.

4. Define and refine the definition of transformative agreements

The concerns of many institutions and researchers will be allayed by clarity over the nature of what qualifies as a transformative agreement and understanding that transformative may not be the same in all contexts at all times. The insistence on one date to be utilised across all publishers, journals and consortiums will distract the attention of many from the objective of achieving full and immediate OA to the objective of circumventing the policy.

5. Examine the cost allocation implications of APC based OA

Research intensive countries and institutions may well resist a move to APC based OA in the absence of reassurance on the cost implications of such a move. One of the benefits of the cOAlition S approach is that it accepts OA can only be achieved through global action. We recommend an examination of the options for multilateral mechanisms that regulate the allocation of costs across institutions and countries in an equitable and achievable manner.

6. Support the coordination and evaluation of agreements at a global level

In order to understand the progress of transformative agreements, the likelihood of a title, subject collection or full publisher profile achieving a flip from hybrid to full OA, there needs to be full transparency and sharing of data between countries. In addition, there is a requirement to consider alternative metrics (alternatives to historic print spend for example) upon which models may be based. Whilst each country is likely to be undertaking such analysis at a national level, if we are to move to full OA, new metrics need to be adopted globally. This requires significant analysis and modelling expertise. We recommend that the cOalition consider how best to support this – in terms of infrastructure, expertise and communication.

Liam Earney, on behalf of the Jisc Collections Content Strategy Group
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⁵ <https://www.jisc-collections.ac.uk/Transformative-OA-Reqs/>