

THE ASSOCIATION OF AMERICAN UNIVERSITY PRESS'S RESPONSE TO THE NOVEMBER 4, 2011 REQUEST FOR PUBLIC COMMENT BY THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY

I. Background to the AAUP Comments

The Association of American University Presses (AAUP) has 134 largely U.S.-based members, with representation in 42 states, the District of Columbia, and Puerto Rico. All are nonprofit scholarly publishers who collectively publish more than 10,000 scholarly books and 800 journals each year. Most member presses are affiliated with research universities, but some are entities of scholarly societies and research institutes.

AAUP members publish both books and journals on subjects and in fields covering the entire spectrum of scholarly research, not just science and technology; some of those journals contain articles based upon federally funded research. These publishers utilize a variety of business models including subscription sales and subsidized open access. The AAUP supports the Administration's goal of increasing public access to the results of research funded by federal science and technology agencies, and we appreciate having been given this opportunity to comment. We would like to make three general comments before responding to the specific questions posed in the Federal Register Notice.

First, we wish to point out that, contrary to popular belief, the majority of university presses in the U.S. receive on average only 10% of their funding in the form of institutional operating subsidies. An additional 10% comes from a mix of outside gifts and grants and from non-publishing operations; the great majority of their funding, 80%, comes from sales in the commercial marketplace. As is well-understood by now, open access eliminates costs for the consumer, but not for the publisher of government-funded research, whose investment in publishing such work remains substantial. The ability to recover that investment is essential to the ability of the nonprofit members of AAUP to continue to fulfill their social mission in support of a vital public good: disseminating the fruits of scholarly research to spur the growth of new knowledge.

Second, as noted in our comments to the OSTP RFI of January 21, 2010, we endorse the shared principles and many of the recommendations in the January 2010 report of the Scholarly Publishing Roundtable appointed by the House Committee on Science and Technology. That report's principal recommendation,

Each federal research funding agency should expeditiously but carefully develop and implement an explicit public access policy that brings about free public access to the results of the research that it funds as soon as possible after those results have been published in a peer-reviewed journal,

is followed by eight further recommendations and five principles to be observed. These further recommendations are designed to ensure that the goal of free public access is met in a way that respects the interests of all stakeholders in the system of scholarly communication, and that maximizes the public good to be derived from meeting that goal.

The Roundtable report does an admirable job of explaining the importance of each of the further recommendations and so we list them here.

1. Agencies should work in full and open cooperation with all stakeholders, as well as with OSTP, to develop their public access policies.
2. Agencies should establish specific embargo periods between publication and public access.
3. Policies should be guided by the need to foster interoperability.
4. Every effort should be made to have the version of record (VoR) as the version to which free access is provided.
5. Government agencies should extend the reach of their public access policies through voluntary collaborations with nongovernmental stakeholders.
6. Policies should foster innovation in the research and educational use of scholarly publications.
7. Government public access policies should address the need to resolve the challenges of long-term digital preservation.
8. OSTP should establish a public access advisory committee.

We believe these further recommendations are part and parcel of the principal recommendation and must be considered along with it.

Second, we note that the Roundtable's principal recommendation is broader than the one posted in the OSTP Federal Register Notice. The Roundtable's recommendation applies to all federal funding agencies; the Federal Register Notice speaks only of research funded by federal science and technology agencies. As a practical matter, however, some science and technology agencies, like the Department of Agriculture, the Department of Energy, and the Department of Health and Human Services, also fund research in the social sciences and humanities that would be covered by either an all-agency or a STM-specific public access policy. We are also aware that other federal agencies of the Executive Branch have started to discuss public access policies of their own, often with no stakeholder consultation or involvement.

Given these circumstances, it would seem prudent and wise for all federal funding agencies to develop policies in accordance with a coherent set of guidelines. We believe the principles and recommendations of the Roundtable report provide such guidelines. The Roundtable report notes the variations in both funding patterns and scholarly practice within different fields in the sciences. Those variations are even more extreme in the social sciences and humanities, which tend in general to be much more poorly funded than the sciences, may require substantially greater non-federal investment to publish, and may require much longer embargo periods, or alternative routes to free public access, if they are to recover their publishing costs from sales and subscriptions.¹

Therefore we think it vital that the Roundtable's further recommendations, with their emphasis on consultation, cooperation, interoperability, authority, preservation, and long-term sustainability be followed. AAUP members—university presses, scholarly associations, and research institutes—publish a significant number of the scholarly journals in the humanities and social sciences. Because of their stewardship responsibilities these publishers

¹ Mary Waltham, an independent researcher, has done two careful and thoughtful analyses of journal publishing costs and cost-recovery models. The first was done in 2005 for the Joint Information Systems Committee (JISC) in the U.K.: www.marywaltham.com/JISCReport.pdf. The second was done in 2009 for the National Humanities Alliance (NHA) in the U.S.: http://www.nhalliance.org/research/scholarly_communication/index.shtml.

are particularly attuned to the costs to be managed in the exploration of options for expanding free public access. We believe that the AAUP community, many of whom have been experimenting with open access models, can be a valuable resource in future discussions of public access to journal articles based upon federally funded scholarly research.

II. Responses to RFI questions.

We are taking the liberty of responding to questions 6-8, which are most germane to the publishing interests of the members of AAUP.

(6) How can Federal agencies that fund science maximize the benefit of public access policies to U.S. taxpayers, and their investment in the peer-reviewed literature, while minimizing burden and costs for stakeholders, including awardee institutions, scientists, publishers, Federal agencies, and libraries?

As stipulated above in AAUP's endorsement of the House Roundtable report, we believe the government should maximize access to the results of all federally funded research, not just scientific research. However, while U.S. taxpayers invest in federally funded research, they do not currently invest in the peer-reviewed literature that grows out of that research. That investment--in managing peer review, in editing, design, production and the other values added in the course of publication--is made by publishers. Perhaps those costs should be borne by the federal government as well, but that is a significant policy issue beyond the scope of the questions posed here. As long as publishers invest in publishing peer-reviewed literature that grows out of federally funded research, federal funding agencies should neither appropriate nor require publishers to provide their finished products for public access until their investment has been recovered.

However, every federally-funded research project is required by law to provide a detailed final report to the funding agency. Some agencies make these reports openly accessible, but some do not. Such reports are not the version of record, but requiring all agencies to make these reports freely available would have several important public benefits. First, they are submitted at the conclusion of research and so could be made publicly accessible well before the publication of any published article based on the research. Second, they would make publicly accessible the reports on all federally funded research, not just the results of research selected for publication. And third, they often include more information than appears in the published article, if there is one, and so provide a more complete picture of the true scope of government-funded research.

(7) Besides scholarly journal articles, should other types of peer-reviewed publications resulting from federally funded research, such as book chapters and conference proceedings, be covered by these public access policies?

Only if those public access policies permit recovery of the publisher's investment.

(8) What is the appropriate embargo period after publication before the public is granted free access to the full content of peer reviewed scholarly publications resulting from federally funded research? Please describe the empirical basis for the recommended embargo period. Analyses that weigh public and private benefits and account for external market factors, such as competition, price changes, library

budgets, and other factors, will be particularly useful. Are there evidence-based arguments that can be made that the delay period should be different for specific disciplines or types of publications?

As stated above, such publications are not directly funded by taxpayers but are the result of private investment by publishers. The ability to recoup that investment is an absolute requirement for publishers to be able to continue to publish new work, to fund the development of required new infrastructures, including archiving and metadata, and to experiment with new business models--including open access.

If the purpose of an embargo period is to allow publishers to recover their investment before the work becomes freely available at no cost, then by definition no single "appropriate" embargo period can exist. The embargo period depends not only on article half-life and usage patterns, which vary substantially from discipline to discipline, but also on individual publisher's business models and financial requirements. Publishers seeking to develop sustainable open access business models--and many are--must have the flexibility to determine the embargo period that best fits their needs. Embargoes should not be set by federal regulation.

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