

January 12, 2012

Task Force on Public Access to Scholarly Publications
National Science and Technology Council
Office of Science and Technology Policy

SUBJECT: Request for Information: Public Access to Peer-Reviewed Scholarly Publications Resulting from Federally Funded Research

Arizona State University (ASU) appreciates the opportunity to comment on approaches for ensuring long-term stewardship and broad public access to the peer-reviewed scholarly publications that result from federally funded research.

We wholeheartedly support the goal of providing timely, easier and less costly access to publications that result from federally funded research and point out that the public does have such access through numerous depositories including traditional libraries and, increasingly, through electronic sources.

Comment 1: Growing markets related to access and analysis and using those markets to grow the economy and improve productivity of the scientific enterprise.

Response: We echo the comments provided by the Council on Governmental Relations (COGR) that publications resulting from federally supported research are already available to the public. As a public institution conducting primarily fundamental research we caution regulators to avoid creating policies that may cause confusion and over regulation for researchers and the institutions that support them.

Comment 2: Protection of Intellectual Property

Response: The assignment of the ownership of the intellectual property as reflected in a publication, itself, as opposed to the intellectual property reflected in an invention and/or the associated research data is the responsibility of the author; in this case the researchers, scientists, etc. We can remind researchers to maintain their rights individually and to use the information included in a publication for educational and research purposes. We can provide researchers with proposed language to insert in copyright agreements to enable access but, ultimately, the responsibility falls to the researchers/authors of the publication.

Without the appropriate protections to the assigned copyright, publishers may be reluctant to include the work of federally sponsored researchers in their publications. Absent these protections and this outlet, public access will be profoundly undermined.

Comment 3: Central versus Decentralized Management of Access

Response: As the most obvious “central” repository we are curious why the Federal government wants to assume the responsibility of publishing or providing publication oversight to all the

published results of federally sponsored research. We do not see that as an effective or efficient use of Federal resources and we do not have confidence that it will provide for better stewardship of the scientific resources than the current system.

Comment 6: Maximizing Benefit while Minimizing Cost and Burden

Response: This issue presents a challenge for us. Of primary concern to us is the lack of any real controls in the process of research publication as we do not play a stakeholder role in the relationship between authors and the journals that publish the results of research. Rather the role we play as an institution is to remind researchers (who are the authors) to maintain their rights individually, to provide real public access and to ensure that the published version is available in the appropriate format for search and analysis. One area that we can participate in is to develop and provide model language to be included in copyright agreements that will facilitate more open access.

In the end, the responsibility falls to the researchers/authors of the publication. Publications that result in whole or in part from a federally sponsored award may appear several years after the completion of the funded research. This poses an additional challenge to us as an institution because the investigator/author may have moved to a new institution in the intervening period. Tracking publications from collaborative research with researchers/authors from more than one institution is a monumental task. Like COGR we expect that compliance with a government-wide policy will become a usual and customary practice in the research community and, as a result, researchers/authors will meet this obligation as a regular part of the publication process. But in the intervening period, the burden associated with a government-wide mandated process will be significant.

The costs involved in revamping the current expectations to the institution and/or investigator are real. As NIH has moved forward with its policy on public access, researchers have discovered a shifting of publication costs to the author. There are direct charges for the submission of articles – “article processing charges.” Journal charges to authors for public access for a single article have reached, in some cases, \$3,000. NIH has reminded the community that publication charges are an allowable expense against a grant. However, in many cases publications will be accepted after a grant has closed. As a result, we are expected to assist researchers in meeting these unexpected costs, putting greater strain on institutions like ASU. Charging these publication costs to a grant, if possible, will result in a real reduction in funds available to conduct the research itself. **Unless there is to be a government-wide investment to support the costs of publication, a government-wide policy requiring public access to publications becomes an additional unfunded mandate for the research community.**

Comment 7: Broaden Coverage to all written publications

Response: Expanding the current public access model from journal articles to book chapters, conference proceedings, etc., will only increase the costs and burden on all parties. Books are available in libraries; conference proceedings are often works in progress that may, eventually, be presented in print either in a journal or book. We do not believe that pursuing these research products will increase access to the ideas and data.

We recommend that the immediate emphasis should focus on the methods that researchers currently use to disseminate their results, primarily peer-reviewed journals.

Comment 8: Publishing Community Response

Response: Publishers are generally the holders of the copyrights to published articles and are the party responsible for providing public access. We are unaware of any evidence that the customary embargo of twelve months has prevented access to publications, hindered the growth of existing and new markets or undermined the productivity of the American scientific enterprise.

In closing, we support harmonization and coordination among the Federal agencies in order to streamline compliance with Federal mandates and regulations.

We appreciate the opportunity to comment on the questions posed by OSTP on the value of public access to peer-reviewed publications.

Sincerely,

Debra Murphy
Director, Office of Research Integrity and Assurance