

## SCONUL response to the REF Open Access consultation

SCONUL has put together a response to the upcoming REF Open Access consultation, that was submitted on 17<sup>th</sup> June 2024. This response is based on a consultation with members and has been written to correspond with the word count specified.

1. Are you answering on behalf of your organisation, institution or as an individual?  
An organisation
2. What is your organisation/institution? **SCONUL**
3. Country: England/Scotland/Northern Ireland/Wales/**Other**
4. What are the most important changes in the open access landscape since the development of the REF 2021 open access policy?
  - 1) how do these differ across disciplinary areas
  - 2) what are the implications of these changes for the REF 2029 open access policy?

We see the three biggest issues since the REF 2021 OA policy as:

- Plan S and the rise of transitional agreements (TAs)
- UKRI OA policy, particularly the inclusion of OA monographs
- Rights retention policies

Some institutions, with a low historic print spend and publishing, recognise that they have benefited from TAs and currently would prefer not to divest from them. Others see them as a burden on institutions. We believe that current financial pressures mark a shift in the ability to continue paying for APCs, the dominant business model in the UK. The sector recognises what the Jisc evaluation of TAs concluded, which is that the green route has suffered at the expense of the hybrid models, and to a lesser extent gold. We would like to see a greater commitment to equity, support for alternative models and simplification of processes. There is a great deal of uncertainty surrounding the future of these deals and unease around the reliance on the UKRI block grant to subsidise them.

Staffing levels are an issue for libraries around implementing and monitoring compliance with future REF policy. This results from reduced staffing in some institutions and low levels of staffing in smaller institutions. A greater administrative burden reduces the potential for engagement with academics in most cases.

Aspects of the development of OA monographs has also caused concern in the sector, as the UKRI OA policy continues to bed in. Major publishers are charging BPCs well in excess of the limits put in by UKRI which makes funding this very difficult for smaller institutions, as part of REF policy. There have also been concerns raised about the viability of the green route for monographs, given strict archiving policies by publishers and the non-inclusion of third-party content.

Rights retention (RR) policies are seen as a route to green, but coverage across the UK is patchy and many smaller, less research-intensive institutions do not have a policy in place, nor the staffing and / or time to develop this in the near future. We are concerned that the combination of high BPCs and inability to utilise a green option will leave these institutions very disadvantaged by REF policy. RR has not yet been challenged by any publishers, but more widespread use could see that changing.

There is also a recognition across the sector that there will be differing issues across disciplines. A crude split between STEM and AHSS subjects highlights that the latter discipline is not as developed with regards to OA and would also be disproportionately impacted by the shift to OA monographs. There is also a belief that many AHSS publishers are not ready to make the shift.

The implications of all the shifts mentioned above have the possibility of widening existing inequity in the sector and with REF policy dictating future funding levels, this needs to be carefully considered.

## 5. Should deposit requirements post acceptance be maintained where publication isn't immediately open access?

Yes, on balance. We believe REF policy should continue to request deposit three months post acceptance:

- To ensure consistency of messaging. It has become standard practice to request deposit on acceptance.
- To give co-authors time to deposit, as they are not always informed of key dates.
- Libraries are largely able to manage this deadline, even in smaller teams.
- Longer deposit dates might reduce the chances of having the output deposited in the repository.

- The current rules allow for administrative delays in publication.
- Current exceptions should remain in place.

Additional comments:

- Some disciplines have a wider gap between acceptance and publication, usually in AHSS.
- Authors can get confused about online publication dates.
- Even if the deposit requirements change, some institutions were still planning to have this as an internal deadline.
- To consider three months from publication as an exception for all outputs.
- Not to reduce the current deposit requirements any further.

If we move away from the current arrangements, it should be towards a three-month post publication limit. We note inconsistencies in checking tools, which can allow some publications to be missed. Institutions with smaller teams would benefit from this approach as it would reduce their administrative burden and allow for the use of tools to cut down on manual record creation. Any staffing problems in a small team could make these deadlines very difficult to manage.

## 6. Do you agree with alignment to the UKRI open access policy in respect of licensing for journal publications by requiring licensing terms equivalent to CC-BY or CC-BY-ND licensing for journal publications?

Yes, we agree with this approach. Lack of rights retention is an issue, as some publishers don't allow the use of a CC BY or ND, particularly for unfunded authors, and without RR there is no mandate for the institution to insist upon it. The potential timing of the policy start date would make it challenging for some to put a RR policy in place in time.

It would be useful to have clarity on the wording of the statement: whether it applies to green and gold; whether having the wrong licence would cause an output to be non-compliant and whether there would be exceptions in place for institutions who don't have RR? It would be useful to have further guidance on why CC BY NC was ruled out as an option.

Positive impacts:

- Alignment with funder policies.
- Wider dissemination of content.
- CC BY is seen as the best option, but ND does give choice.

Negative impacts:

- Concern over generative AI harvesting content.
- Lack of clarity around the licence that can be applied to the AAM when an institution doesn't have an RR policy.
- Messaging to academics around CC licences and concern over authors selecting the wrong licence in error.
- The exclusion of an NC licence will limit authors who want commercial restrictions in place, particularly those partnered with industry.
- Additional staff time will be required to ensure compliance, especially around monitoring and reporting.
- Unfunded research could be penalised, where a publisher won't allow a compliant licence.

## 7. Do you agree with recognition of alternative platforms as meeting open access requirements as primary platform for publication?

Yes, we do agree, and are supportive of encouraging diversity of output and innovation in publishing models. Most institutions would still insist on the output also being available in their own repository.

However, such a policy would need to address the following challenges:

- Strict clarification and clear definitions on what would be accepted as an alternative platform and what would not. Consideration should be given to an approved list with minimum technical standards.
- Potential administrative burden of additional checking of sites, ensuring that outputs are not accidentally duplicated and advising academics on their options.
- Changes to workflows in the repository.
- Version control issues.
- Difficulty in identifying the VoR on some platforms (e.g. F1000).
- Would there now be a requirement to share a pre-print?
- Concern around certainty about published dates.
- Approaches to alternative platforms, such as Octopus, which don't require a full journal article as a final output.
- Concern over lack of peer review with many pre-print sites.
- Worry over reliance on an external platform for reporting purposes and possible loss of service.

8. Do you agree with the proposed changes to embargo periods for journal publications for main panels A and B (12 months reduced to six months) and main panels C and D (24 months reduced to 12 months) in light of changing standards and practice?

Yes, we are in favour of reduced embargoes. However, the current level of compliance with the proposed embargoes is poor. One institution identified 95 journals that they publish with that are non-compliant with the proposed changes. A significant advocacy drive would need to be undertaken with publishers in order to meet the proposed date of 2025. Those institutions without a RR policy could find themselves using many exceptions and may be disadvantaged. It was also pointed out that many publishers only offer embargoes for funded research.

Ultimately we would like to see embargo periods abolished completely, but this would require robust exceptions or RR at every UK university.

Positive impacts:

- Reducing embargoes brings REF policy more in line with UKRI policy.
- Helps support change in the OA landscape.
- Useful steppingstone to immediate OA

Negative impacts:

- Additional staffing overhead to manage the administration.
- Non-compliant embargo periods reduce author choice.
- Institutions without RR in place will find this very difficult.
- Loss of buy-in to OA due to perceived difficulties getting to full compliance.
- One major Engineering publisher is highly unlikely to reduce their embargo period.
- Panels C and D would find this more difficult to enact, due to current embargo lengths in the humanities.
- Not full alignment with UKRI policy, which means mixed messaging.
- Potential to disadvantage small and specialist publishers.

9. Do you agree that changes to the open access policy for journal-based publications should be implemented from 1 January 2025?

We believe this is too early given the timing of this consultation. The biggest challenge for the library community is CRIS/repository functionality which needs to be developed with each of the major vendors. Initial feedback from them suggests they are not likely to begin this work until the REF policy is fully released.

There also needs to be plenty of lead-in time for communicating the changes to the academic community and to amend policy and workflows. The new policy has many proposed changes that will take time to bed in. There is a lack of clarity at present what the transition from REF2021 to REF2029 will look like and what the potential start date includes, whether it reflects outputs published from that date or accepted.

If the changes to embargo periods are also to take place, publishers will require time to update their self-archiving policies. There is also a recognition that negotiations for the next round of transitional agreements will take place in 2025 for the major publishers.

The recommended start date is 1<sup>st</sup> January 2026, which gives plenty of time to make changes and aligns with the potential new OA long-form policy and avoids three reporting periods in the cycle. This would also give institutions time to develop a RR policy, for those that need to. If the January 2025 implementation date is unavoidable, there is also a recommendation that a longer deposit time is considered for a period.

## 10. Do you consider that tolerance limit for articles and conference proceedings should be retained at 5% of any submission

Yes. The 5% tolerance limit had worked reasonably well in the last REF and could be retained, but there are several caveats to this. The exceptions need to be retained with bandings to minimise risks around non-compliance. There also must be consideration of disciplines with fewer outputs and the impact on them. Tolerance limits should not be reduced. One other risk is the transitional agreement re-negotiations that are due in 2025 and the current financial situation that might cause compliance risks for many.

We would also welcome a clear definition of non-volume contributing staff and how that might change through the REF period, as well as the OA status of Category C staff.

There is an argument for considering a slightly higher tolerance band for a period of time, given the potential changes to the OA policy and the proposed start date of January 2025. This would allow for issues around communication, workflow development, CRIS changes and the potential lack of an RR policy, particularly if the policy indicates a shift to deposit within one month of publication.

## 11. Do you agree with the proposed exceptions for journal publications?

Should any of the above be removed?

Yes, we support the proposed exceptions. Several are carried over from REF2021 policy and are still valid now, including third party content and excessive embargo. Some exceptions have been combined and this also feels sensible, although it does mean Exception 3 is doing a lot of heavy lifting and covering all systems-based exceptions. The new exceptions seem reasonable and related to the 2029 approach to outputs. There will need to be clear guidance over which period the exceptions cover and if there is any grace period. Institutions would like clarity over which exceptions are more likely to trigger an audit and what the threshold would be for this.

Exception 2 would need to be clarified to give greater understanding of non-volume staff and their impact. The current wording is open to confusion.

Further guidance on Exception 4 around portability of outputs also needs to be finalised to define a 'demonstrable and substantive connection', with a time period included, particularly with regards to previous employing institutions.

Exception 6 might need to be reconsidered in light of changes to embargoes.

What, if any, additional exceptions might be required?

The following exceptions should be considered:

- The output was not made available within 1 month of publication, but was available within 3 months (if this is not overridden by deposit guidance). If this is not possible, the tolerance limit should come under further scrutiny.
- The publication concerned actively disallows open access and/or CC-BY licensing, and was the most appropriate publication for the output.
- There was a delay in securing the final peer-reviewed manuscript for a paper with international authors or industry partners.
- Reuse permissions for third-party materials cannot be obtained and there is no suitable alternative option available to enable open access publication.
- The author was unable to retain their rights/the institution does not have a rights retention policy that can be asserted.
- Reinstatement of technical exceptions to assist with evidence for audit.
- Inability to meet deposit requirements due to reduced administrative resource (to cover staffing reductions in the current financial climate)

- An exception for outputs published in languages other than English, where OA is less prevalent.

There is the potential for confusion over conference proceedings with an ISBN and whether these would be considered long or short form.

There will also be issues with workflows and CRIS/repositories with regards to the changes to exceptions, requiring both the inclusion of new or changed exceptions and removal of previous ones.

## 12. Do you agree that there should be no deposit requirement for longform publications, but that they should be made immediately available as open access upon publication (or no later than 24 months following publication if subject to an embargo)?

Yes, we agree that there shouldn't be a deposit requirement for longform publications, due to the potential difficulties in obtaining files from authors. This would be a welcome reduction in compliance monitoring.

However, there is concern more broadly that the longform policy will be difficult to enact due to the current financial situation in UK universities, lack of provision for BPCs, patchy RR policy provision and resource available for staffing and infrastructure costs. The estimated costs to the sector for the pool of selections is high and the green route is not sufficiently mature to be a robust alternative.

We remain supportive of OA monographs, but there needs to be work undertaken in the sector in order to ensure successful compliance with this policy.

## 13. Do you agree with the proposal of a maximum embargo period of 24 months for longform publications?

On balance we agree, although we note that there are areas of uncertainty and potential concerns.

We have some concerns over AHSS disciplines, where the afterlife of a work can be much longer than 24 months, with the possibility about loss of royalties for both publishers and authors. There is uncertainty about the level of self-archiving that will even be allowed by publishers, as it isn't currently and challenges the feasibility of the green route for long form outputs, which risks an expensive BPC or a lower quality submission. Investment in the OA monograph infrastructure needs to happen at national level to mitigate some of these issues.

Once again, RR becomes an important factor, as it has done throughout the consultation, with the risk of inequity even greater when it comes to the cost of BPCs. We note that some



institutions may need to amend their RR policy to include longform outputs. Both suggest that tolerance level and exceptions policy will need to be robust. There is also concern about the AAM that is able to be shared, as book production is quite different from article production and may impact usability.

One option that could be considered is an embargo period for chapters which might be easier to enact and could be used for the current REF cycle.

#### 14. Is licensing for third party materials not being granted a reasonable ground for exemption from open access requirements?

Yes. This is an important exception for arts-based outputs, due to legal challenges, high costs of copyright clearance and the staff overhead in undertaking this work and so we would like to see the wording include prohibitive costs.

It would be helpful to have guidance on this exception, including what amount of third-party content makes it impossible to publish and who should be responsible for checking this information. We have concerns over how this exception might impact an audit and what evidence would be required.

It would be helpful to have clarity over the status of scholarly editions, which look to be in scope for REF policy, but out of scope for UKRI policy.

#### 15. Is sharing of a version of an output without third-party materials if licensing can't be obtained, mirroring the UKRI open access policy for longform outputs, appropriate to meet the open access requirements for REF 2029 policy? What issues does this present for output submission and assessment?

We have concerns that this requirement would limit meaningful assessment of some outputs not available digitally and a copy without the third-party material could diminish the value of the work. This could lead to authors rejecting OA outright as it requires them to present a version of their work below the standard expected for their discipline. This would adversely impact AHSS subjects more. Academics are concerned about which version of the work would be assessed by the REF panel, as this potentially impacts their submission.

There is also concern that creating a version with the materials stripped out will create administrative burden for institutions. This may be particularly challenging for institutions with low amounts of research funding in terms of additional work, with checking, licencing, editing and implementing new workflows.

**16. Do you agree with the principle of a tolerance level for non-compliant longform outputs?**

Yes, we believe that a tolerance level is crucial to the success of the policy and especially important for institutions without a RR policy. It also matches what is currently accepted for article outputs. Given the level of funding required to make the potential pool of REF longform outputs available, as it's not just the final submission that might be required to be OA, a robust tolerance level is required.

As already outlined in the consultation, licencing restrictions and third party materials might impact on OA compliance, so this level of flexibility is appreciated.

Institutions would like to see how this will applied in practice and whether the tolerance level includes both book and chapters and how this would work in the case of a double weighted output. Institutions are also keen to see how the tolerance level will be set, given that the longform policy is new.

**17. Do you agree with the proposed tolerance level of 10% for longform outputs?**

We are concerned that, due to the potential costs of longform OA, for institutions without UKRI funding and no funds for BPCs, a 10% tolerance level is insufficient and that the policy has to be mindful of the financial issues across the whole sector at the moment. The REF policy should consider a higher tolerance level to offset any inequity inherent in the policy. This is particularly important for the smaller units of assessment, or where an output is double weighted, which AHSS subjects often represent. For smaller institutions one output may represent more than 10%, especially within the shorter time period that the policy will be in place. Consideration should be given of the implications of this approach if only one output is eligible in this time. There is concern that the impact of this could influence which monographs are submitted to the REF.

Policy-makers should consider different tolerance levels for chapters and monographs, with more generosity given to the latter.

**18. Do you agree with the proposed date for implementation of an open access policy for longform outputs in REF 2029 being for all longform publications for which contracts are agreed from 1 January 2026?**

Yes, we are in favour and believe that institutions' CRIS systems will be ready and that there is enough time to get messaging out. Clear and detailed guidance will be required to ensure authors are aware of the requirements before entering into an agreement with any publisher.

Institutions feel that if there is any delay in working out practical details, moving to 1<sup>st</sup> April 2026 would be a good fallback position.

There is concern about the administrative overhead and risk of error by having three reporting periods in the cycle and having the policy apply from the date the contract was signed needs further consideration, as this is not a date that is easily verifiable.

One issue that should be considered is the costs of publication, particularly for smaller, less research-intensive institutions, particularly in light of the financial cuts in the sector. Green OA needs to be scoped out in more detail with other sector bodies and work with publishers undertaken. Policy-makers should consider a light touch approach to compliance for this cycle. Audit requirements should be fully laid out in advance.

## 19. Do you agree with the proposed exceptions for longform publications?

Should any of the above be removed?

Yes we agree with the proposed exceptions, with the following caveats and considerations:

- Exception one should be changed to ensure BPCs are not the only route to compliance: “Where the only appropriate publisher, after liaison and consideration, is unable to offer an open access option that complies with the REF policy and is affordable to the institution or funder”.
- Exception two could be broadened to include third party materials where the licence was unaffordable.
- Exception three and four not required as those outputs would already be out with the scope of the policy and the journal outputs do not have a similar exception. Further clarity is needed for four over what constitutes a publication agreement and whether this must be a signed contract.
- Exception seven needs greater detail around the criteria and how much evidence would be required, as the most appropriate venues will differ from that of the journal criteria.
- How will conference proceedings with an ISBN and pre-published patent applications be treated?
- Need for better guidance and clarity about exceptions and how to evidence.
- Greater clarity over what constitutes a ‘trade publication’ and how to prove eligibility.

Are there other exceptions you think are necessary for longform outputs?

Suggestions for possible exceptions were as follows:

- Lack of maturity in the infrastructure and ecosystem and institutional lack of funding.
- Where OA publication costs were too high, but it was the best method for dissemination. An upper limit on BPCs could be mandated, similar to the UKRI finding policy. An understanding that a wider pool of potential outputs exists and skews the original costs set out.
- Wider exceptions for edited volumes, where only one chapter can be published.
- Recognition of circumstances beyond the institution's control, particularly around diminished financial or staffing resource.
- Publication that was accepted while the author was at a previous institution and compliance cannot be determined.
- Where sharing a heavily redacted version would render the output meaningless.
- For outputs published in languages other than English.
- Scholarly editions as an exception to align with UKRI policy.
- More generic – could each exception be given an identifier making it easier to see at a glance which ones have been used