



## UKRI Open Access Review: A Response by the Association for Art History

29 May 2020

### Section A: Research Articles

To what extent do you agree or disagree that it is clear what research articles are in-scope of UKRI's proposed OA policy (see paragraph 46 of the consultation document)?

**Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion.**

*If anything is unclear, please explain why (1,350 characters maximum, approximately 200 words).*

More clarity could be provided around reviews, whether only commissioned reviews are in scope as in the existing policy, or whether this has been changed in the newly-proposed policy.

**Are there any additional considerations that the UK HE funding bodies should take into account when defining research articles that will be in scope of the OA policy for the REF-after-REF 2021?**

**Yes / No / Don't know / No opinion.**

*If yes, please expand (1,350 characters maximum, approximately 200 words).*

*Please see paragraphs 29-31 of the consultation document before answering this question.*

We encourage UKRI to make the OA policy and REF requirements as similar as possible to avoid confusion and have a consistent approach from within the agency. We also encourage the acknowledgment and recognition that most humanities journal articles are not the result of direct funding from AHRC, that most humanities journals are not in the position to publish via a Gold OA route and that AHSS researchers do not have research/APC funding options (such as from cOAlition S funders) as do their colleagues in STEM subjects. As an example, in our own leading journal in the field, *Art History*, only one article out of 67 published by UK authors in the last six years has been the result of direct funding from the AHRC. As most humanities researchers do not and cannot publish in Gold OA, with the Green route plus embargo being the only viable option, they should not be put at a disadvantage under a new UKRI or REF policy.

**Are there any specific challenges for you, your community or your organisation in terms of complying with the requirement in UKRI's proposed policy for immediate OA of in-scope research articles?**

**Yes / No / Don't know / No opinion.**

*Please explain and, where possible, evidence your answer. UKRI notes that there will be a period allowing for implementation before the policy comes into force (see paragraph 70 of the consultation document). (2,650 characters maximum, approximately 400 words.)*

Without dedicated funds to support immediate OA, this proposal would present a great, if not insurmountable, challenge for the Association and other subject associations/learned societies which rely to a great degree on income from their journal subscriptions to fund their activities. Gold OA or Green without embargo would make the editorial and production processes financially untenable resulting in far fewer opportunities for scholars to publish in the UK (with only the largest publishers remaining in the academic market) and would limit their opportunities to publish internationally. Along with this would be the loss of support, career enhancement and community building from subject associations, most of which could no longer afford to operate. This absence would be most keenly felt by ECRs who benefit most from these aspects of subject associations and learned societies.

**For research articles, are there any additional considerations relating to OA routes, publication venues and embargo periods that the UK HE funding bodies should take into account when developing the OA policy for the REF-after-REF 2021?**

**Yes / No / Don't know / No opinion.**

*If yes, please expand (2,000 characters maximum, approximately 300 words).*

*Please see paragraphs 29-31 of the consultation document before answering this question.*

The fact that UKRI policy will only apply to those who receive direct RC funding offers some relief to the great majority of those in the humanities who do not rely on this funding; however, its extension to REF would, naturally, broaden and apply the policy to almost all academic research and would prejudice AHSS researchers (for the reasons noted in Q4). Further, if APC funds would be limited to those who publish in immediate OA, it would also limit the choice of authors to publish in journals within and outside of the UK, forcing them to publish in journals that comply with the policy rather than the optimal publications for their research.

An altered publishing landscape prompted by similar UKRI and REF policies will also serve to deter international scholars from participating in the scholarly debate in this country, should they not choose to publish in immediate OA. Subject associations in the UK facilitate the study of their disciplines within this country while also serving international audiences. As an example, the journal of the Association for Art History publishes a majority of authors from outside the UK. Of the 212 articles published between 2014 and 2019, 67 (31%) were by UK authors. International authors in fields which rely heavily on third-party material will be further discouraged from publishing in the UK where, under the UKRI policy, two different licences, one for text and more limited ones for third-party material, are acceptable. This can lead to articles being repurposed without images and would serve as a disincentive for international authors to contribute to the scholarly dialogue in this country.

**To what extent do you agree or disagree that where compliance with UKRI's OA policy is achieved via a repository, a CC BY licence (or Open Government Licence where needed) should be required for the deposited copy?**

**Strongly agree / Agree / Neither Agree nor disagree / Disagree / Strongly disagree / Don't Know / No opinion.**

*Please explain your answer (1,350 characters maximum, approximately 200 words).*

The imposition of a CC-BY license that may be more fitting for STEM subjects, where scientific research needs to be reused and results need to be replicable, is not appropriate for the humanities. The kind of use contemplated by the newly-proposed policy is contrary to best practice in AHSS where not only the content but also the form of the text is crucial. It is also contrary to how students in these disciplines are taught to treat others' text. and at its worst application increases the risk of plagiarism. Allowing for the NC and ND licences would decrease this risk.

**To what extent do you agree or disagree that UKRI's OA policy should have a case-by-case exception allowing CC BY-ND for the version of record and/or author's accepted manuscript. Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion.**

*Please explain your answer. UKRI particularly welcomes evidence supporting: specific cases where ND is considered necessary; an ND exception not being necessary; any implications an ND exception could have for access and reuse (2,000 characters maximum, approximately 300 words).*

We think that a case-by-case review of articles applying for an exception for an ND licence would be cumbersome and expensive to administer by the various research councils. We advocate instead that to protect authors' intellectual property rights in their own work the UKRI policy should accommodate CC-BY-ND and NC licenses as a matter of course.

**Would the proposed licensing requirements for UKRI's OA policy, which exclude third-party content (see paragraph 55 of the consultation document), affect your or your organisation's ability to publish in-scope research articles containing third-party content? Yes / No / Don't know / No opinion.**

*If yes, please explain how (1,350 characters maximum, approximately 200 words).*

The licensing requirement would greatly lessen the Association's ability to publish in-scope articles. There are a number of significant rights holders, regularly used by those in our field, who do not issue OA licences. Of those who do, the vast majority impose an ND and/or an NC restriction. See this link for a list of some prominent rights holders in the visual arts <https://forarthistory.org.uk/latest-news/ukri-open-access/>

Third party material is integral to scholarship in art history, rather than being ancillary to it. As such, UKRI policy should not allow for two sets of OA licences to apply where text may be CC-BY and images may be NC and/or ND as this will lead to the reproduction of articles without images making for less comprehensible, disjointed exposition.

OA licences for images are more expensive than those for traditional print or digital publishing. These costs can be prohibitive, with single images ranging from £60 to £300, and in some instances we have recorded, have prevented researchers from publishing. The proposed policy places the extra financial burden of publishing in OA on the researcher, and without a funding mechanism for these extra costs, OA publishing in fields such as ours will be less attainable.

**Are there other considerations UKRI should take into account regarding licensing requirements for research articles in-scope of its proposed OA policy?**

**Yes / No / Don't know / No opinion.**

*If yes, please expand (1,350 characters maximum, approximately 200 words).*

We ask for a consistent approach across government for access to government-supported outputs and assets. The UKRI & REF rationale that researchers' intellectual output should be made freely available to the public because it is supported either directly (through RC grants) or indirectly (via QR funding) by the government should apply equally to government-supported rights holders (museums, galleries and universities), some of whom hold government-owned works of art in their collections.

UKRI is in a much better position to influence DCMS policy regarding this issue than are researchers themselves. DCMS-supported rights holders are encouraged to be entrepreneurial and to profit from holding government assets (in order to lessen the reliance on government support), an understandable approach yet one which, again, puts the burden on the researcher who can ill afford to help prop up this revenue stream for government-supported rights holders. It is these institutions which hold images that cannot be obtained from other sources, including specialised images, such as: high-resolution details of works of art, images of conservation treatment, frames, backs of paintings, etc. Free access to these images for scholarly purposes will, ultimately, bring more attention to UK holdings and facilitate the exchange of ideas.

**For research articles, are there any additional considerations relating to licensing that the UK HE funding bodies should take into account when developing the OA policy for the REF-after-REF 2021?**

**Yes / No / Don't know / No opinion.**

*If yes, please expand (2,000 characters maximum, approximately 300 words).*

*Please see paragraphs 29-31 of the consultation document before answering this question.*

In the present REF policy, an access exception from publishing in Open Access is given in instances where researchers are not able to obtain OA licences for third party material. As there are still a number of major rights holders who do not offer this licence, we think it is important to keep this exception in the next REF policy. The UKRI aspiration for OA publishing is admirable and is necessary to help move associated sectors to this position; however, it should be recognised that rights holders are not presently in step with this policy. While there is a movement to offer OA licences without restriction, the vast majority of rights holders either don't offer OA licences, offer them at prohibitive cost or with ND and/or NC restrictions. As that

is the case, it is the researcher who is asked to bridge the gap between UKRI aspirations and the position of most of the rights holders. It is important to maintain the exception in the current REF policy so that research outputs from those in disciplines which rely heavily on material from third-party rights holders are not denied REF credit as a result of the practices of commercial entities or commercial trading arms of not-for-profit rights holders.

**Which statement best reflects your views on whether UKRI's OA policy should require copyright and/or rights retention for in-scope research articles?**

- a. UKRI should require an author or their institution to retain copyright and not exclusively transfer this to a publisher
- b. UKRI should require an author or their institution to retain specific reuse rights, including rights to deposit the author's accepted manuscript in a repository in line with the deposit and licensing requirements of UKRI's OA policy
- c. UKRI should require an author or their institution to retain copyright AND specific reuse rights, including rights to deposit the author's accepted manuscript in a repository in line with the deposit and licensing requirements of UKRI's OA policy
- d. UKRI should not have a requirement for copyright or rights retention**
- e. Don't know
- f. No opinion

*Please explain your answer.*

*UKRI particularly welcomes views as to whether it is necessary to require copyright and/or rights retention if its policy were to require a CC BY licence, which enables reuse. If you selected answer b or c, please state what reuse rights you think UKRI's OA policy should require to be retained (2,000 characters maximum, approximately 300 words). Please note that views are not sought on whether institutions should hold the copyright to work produced by their employees as this is subject to Section 11 of the Copyright, Designs and Patents Act 1988 and institutional copyright policies.*

We believe that UKRI should not ask or require that authors abrogate their copyrights. The policy makes mention that copyright should remain with authors (as opposed to being assigned to publishers) so that they can be, ostensibly, rendered null in an OA CC-BY licence.

The approach creates a dissonance between the government's offering copyright protection via the Copyright, Designs and Patents Act 1988 and its issuing a requirement that these rights be given over to ensure that intellectual property is made OA. The suggested removal of one of the rights (to publish) and its creation as a separate and distinct right may be a way of reconciling the Act with the policy, but in the end it represents the sacrifice of an historically-conferred property right in favour of the most permissive OA licence.

**UKRI's OA policy is proposed to apply to in-scope research articles accepted for publication on or after 1 January 2022. Which statement best reflects your views on this?**

- a. The policy should apply from 1 January 2022
- b. The policy should apply earlier than 1 January 2022

**c. The policy should apply later than 1 January 2022****d. Don't know****e. No opinion**

*Please explain your answer. UKRI particularly welcomes detailed evidence as to the practical implications of the choice of date. If you selected b or c, please also state what you consider to be a feasible implementation date (2,000 characters maximum, approximately 300 words).*

Many AHSS journals are not in a position to accommodate the changes the new policy would demand, and the Covid-19 pandemic will only serve to set back their efforts to comply with the policy in the near future. New modes of operating would have to be established, chief among them moving to a fully voluntary resource as there will not be funds, with immediate OA, to pay editorial staff. This dramatic change will need consultation with stakeholders including editorial boards, publishers and trustees of subject associations. The associations will need as much time as possible to try to conceive, implement and establish new streams of income, where they can be found, to offset the substantial loss they will face if a zero embargo for journal articles is put in place. This could not be achieved before 2024.

**Do you think the proposals outlined in Section A will have any financial cost implications for you or your organisation?****Yes / No / Don't Know / No opinion.**

*Please expand, providing evidence to support your view, where possible (2,000 characters maximum, approximately 300 words).*

The activities of the Association for Art History, like those at most subject associations and learned societies are supported, in the main, by income from the sales of its journal. Revenue from subscription to our journal represents nearly 80% of our gross income and an even higher percentage of our net income. If our hybrid journal were to 'flip' to achieve OA through a green route with no embargo, revenue from sales would drop by 84%.

As a registered charity, the Association directs resources to pursue our charitable objectives and mission. Journal revenue is put in service of our subject and those engaged in its study and practice. With a significant reduction in income that would result from the implementation of the UKRI policy and a parallel REF policy, our Association, like most all others, would be forced to significantly reduce its service to those in our field.

In pursuing our own initiatives, subject associations/learned societies collectively serve to advance the mission of UKRI. Through our grants, conferences, CPD, networking events and other programmes we advance UKRI objectives to: ensure that world-leading research is advanced in the UK; strengthen the networks which underpin the UK's leading role in research and create environments which help to facilitate and sustain new research.

With the disruption of the current funding model, the services we provide, particularly for ECRs in our respective fields, will be significantly reduced. We are open to ways in which UKRI, either through subject associations or directly, can replace these funds and services once they are withdrawn as a consequence of its OA policy.

**Do you think the proposals outlined in Section A of the consultation document will result in financial benefits for you or your organisation?**

**Yes / No / Don't Know / No opinion.**

*Please expand, providing evidence to support your view, where possible (2,000 characters maximum, approximately 300 words).*

See answer above.

**Regarding UKRI's consideration about restricting the use of its OA funds for publication in hybrid journals (see paragraph 80 of the consultation document), please select the statement that best reflects your views:**

- a. UKRI OA funds should not be permitted to support OA publication in hybrid journals
- b. UKRI OA funds should only be permitted to support OA publication in hybrid journals where they are party to a transformative agreement or similar arrangement
- c. UKRI OA funds should be permitted to support OA publication in hybrid journals
- d. None of the above
- e. Don't know
- f. No opinion

*Please explain and, where possible, evidence your answer (2,650 characters maximum, approximately 400 words).*

The restriction that block grant funding for APCs only be awarded for use in fully OA journals would limit the choice of UK researchers who may be forced to submit their articles to journals that may be less desirable platforms, for a variety of reasons, for their research.

Hybrid journals further UKRI objectives of increasing the amount of research that is published in OA while also allowing for publishers and societies to benefit from the paid and considerable volunteer time that is put into producing and editing academic journals. The extension of the UKRI policy to the REF after next would serve to ultimately eliminate this model and limiting publishing options for UK and international authors, particularly in AHSS subjects where the majority of research is undertaken without direct research council funding.

**Are there any existing or new infrastructure services that you think UKRI should fund the maintenance and/or development of, to support the implementation of its OA policy for research articles?**

**Yes / No / Don't know / No opinion.**

*If yes, please state what these are and explain and, where possible, evidence why UKRI should provide support (2,650 characters maximum, approximately 400 words).*

A fund to help support the additional costs of OA licences for third-party material would enable researchers in fields which rely heavily on such material to comply with the UKRI and parallel REF policy. Researchers are not in a position to fund these extra costs themselves in order to realise the policy.

**Section B: Monographs, Book Chapters and Edited Collections**

**Should the following outputs be in-scope of UKRI's OA policy when based on UKRI-funded doctoral research?**

**a. Academic monographs**

**Yes / No / Don't know / No opinion**

**b. Book chapters**

**Yes / No / Don't know / No opinion**

**c. Edited collections**

**Yes / No / Don't know / No opinion**

*Please explain your view (1,350 characters maximum, approximately 200 words).*

Along with scholarly editions and exhibition catalogues, we would suggest that *catalogues raisonné* also be included in the list of out-of-scope publications. These catalogues can be similar in form to scholarly editions or exhibition catalogues by having multiple authors and are also, by their nature, densely illustrated, making the securing of rights an obstacle for publishing in OA.

Scholarly editions should be in scope only where all contributions qualify under the UKRI policy. If an edition contains contributions which have not been supported directly by research council funding, the edition should be out of scope. To do otherwise would discourage those who do not want to publish in OA from participating in the editions.

**To what extent do you agree or disagree that UKRI's OA policy should include an exception for in-scope monographs, book chapters and edited collections where the only suitable publisher in the field does not have an OA programme?**

**Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion.**

*Please explain and, where possible, evidence your view (1,350 characters maximum, approximately 200 words).*

This exception is welcome as it provides researchers with more options and ensures that their work can be placed with the most suitable publisher.

**To what extent do you agree or disagree with CC BY-ND being the minimum licencing requirement for monographs, book chapters and edited collections in-scope of UKRI's proposed OA policy?**

**Strongly agree / Agree / Neither agree nor disagree / Disagree / Don't know / No opinion.**

*Please explain and, where possible, evidence your view (1,350 characters maximum, approximately 200 words).*

We applaud the inclusion of the ND licence as being compliant with UKRI policy; as the protections and principles behind them are the same regardless of the length of the publication, we think the same approach should apply to journal articles.



**To what extent do you agree or disagree that UKRI's OA policy should include an exception for in-scope monographs, book chapters and edited collections requiring significant reuse of third-party materials?**

**Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion.**

*Please explain your view (1,350 characters maximum, approximately 200 words). Questions 45-46 concern how 'significant reuse' may be defined.*

As we do with journal articles, we think that an exception should be included for scholarship in which third-party material is integral to arguments made in the text. Our concern is with the difficulty and cost in obtaining images to be included in OA publications and in protecting the researcher who can ill afford to bear this extra cost in order to disseminate his/her research in OA.

We do not think the exception should depend on the 'significant re-use' of this material, however, as we feel that this could lead to an overly-formulaic or subjective application of the exception. Would, for instance, 'significance' be judged on the number of instances of third-party material per words of text? This might be flawed as a number of free or readily available examples could be used. If significance was judged on the importance of the material to the argument, inconsistencies in qualifying for the exception might result.

Could exceptions simply be granted where OA licences could not be obtained for the desired material or where their cost is above a set threshold? Both of these are relatively easy for researchers to establish and would lead to an equitable granting of the exception. And could this exception be applied to journal articles, perhaps with a lower cost threshold?

**To what extent do you agree or disagree that if an image (or other material) were not available for reuse and no other image were suitable, it would be appropriate to redact the image (or material), with a short description and a link to the original?**

**Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / Don't know / No opinion.**

*Please explain your view (1,350 characters maximum, approximately 200 words).*

We strongly disagree with this suggestion for a number of reasons. We take issue with the premise underlying this question and Q9 that third-party material is ancillary and not integral or essential to arguments and ideas espoused in scholarly texts.

First, many images are not online and therefore readers cannot be provided with a URL. These include the millions of images throughout the world that have not been digitally photographed and uploaded to the web. In many instances, details of images are needed, showing a particular part or aspect of a work of art, and while these photographs may exist in museum collections, they are not usually uploaded to their websites and they have not often been published elsewhere where a reader can be directed. Where images are available digitally and in OA, clicking on a link to another publication or source (where further searching may be necessary) would make for a disruptive experience while trying to digest arguments in a text. If images are not online, yet have been published previously in print, directing readers to those

publications via bibliographic references would be cumbersome at best and highly impractical.

**Do you have a view on how UKRI should define ‘significant use of third party materials’ if it includes a relevant exception in its policy?**

**Yes / No / Don’t know / No opinion.**

*If yes, please expand (2,000 characters maximum, approximately 300 words).*

See answer above. The Association for Art History would be happy to work with other cognate subject associations/learned societies and with UKRI to help define cost thresholds or establish other sensible and equitable means to apply an exception to the proposed policy.

**Do you have any other comments relating to licensing requirements and/or the use of third-party materials, in relation to UKRI’s proposed OA policy for academic monographs, book chapters and edited collections?**

**Yes / No.**

*If yes, please expand (1,350 characters maximum, approximately 200 words).*

There is a fallacy that with so many images online (via Google, Wikimedia, Flickr, Image databases, and museums’ and galleries’ digitized collections) an appropriate image (with high enough resolution) can be found on the web to illustrate any visually-based argument. This is simply not the case. While we are encouraged to see more galleries, museums and libraries, etc. make images of objects in their collections available in OA, they still number only over 700 worldwide, thus representing a distinct minority of these institutions. The reality of obtaining third party material for inclusion in scholarly publications is that researchers have to pay, and these costs are often, even with articles, beyond their reach.

The other fallacy is that these costs do not increase in licences for OA publishing. Rights holders charge based on distribution and duration. The wider the distribution and the longer the duration, the more the costs increase. The most permissive licence, CC-BY, is not often offered and stands to be the most expensive. It is much more common to have NC and ND restrictions as rights holders do not want their material re-used and sold without further licencing and remuneration. However, these licences could cost more in the long run as they require renewal after their durations have run.

### **Section C: Monitoring Compliance**

**Do you foresee any benefits for you, your organisation or your community arising from UKRI’s proposed OA policy?**

**Yes / No / Don’t know / No opinion.**

*Please expand (2,650 characters maximum, approximately 400 words).*

Increased access to scholarship is a benefit but one that is counterbalanced by the further financial burden the proposed policy will impose on researchers. As described in previous questions, this is exacerbated for those in fields which rely on third-party material who will be faced with increased demands for APCs, BPCs and more expensive licence fees.

**Q61. Do you foresee UKRI's proposed OA policy causing and/or contributing to any disadvantages or inequalities?**

**Yes / No / Don't know / No opinion.**

*If yes, please expand, referencing specific policy elements and including any comments on how UKRI could address any issues identified (2,650 characters maximum, approximately 400 words).*

While the newly-proposed policy applies only to affiliated researchers who receive research council funding, its implementation will have the (intended) consequence of changing the publishing landscape for all researchers to the point where OA scholarly publishing becomes the norm and subscription based publications are squeezed out of the market or are forced to 'flip' to OA. This is a laudable outcome for readers and one we support, as long as the changes required by government are, in turn, funded from that source or from other viable options. The change to OA publishing should not come at the expense of researchers.

Via the changes in publishing it advocates for, the proposed UKRI policy will impact not just those who receive direct RC funding but also a wider array of researchers. ECRs, retirees and other active researchers without an affiliation will be faced with finding funding for APCs and BPCs. In AHSS this means paying for the fees themselves which is not a tenable or sustainable solution. This makes the support and compliance status of hybrid journals essential to ensure that there remain affordable options for these UK authors to disseminate their research.

**Q62. Do you foresee any positive and/or negative implications of UKRI's proposed OA policy for the research and innovation and scholarly communication sectors in low-and-middle-income countries?**

**Yes / No / Don't know / No opinion.**

*If yes, please expand, referencing specific policy elements and including any comments on how UKRI could address any issues identified (2,650 characters maximum, approximately 400 words).*

The double-edged sword of the OA policy is that more readers in LMICs may have access to scholarship generated in the UK, but the costs of participating in OA publishing will concomitantly prevent researchers from those countries from engaging in the scholarly debate as they can now via UK hybrid journals.