



Report: Consultation about proposed revisions to NHMRC's Open Access Policy (April–May 2021)

Overview

NHMRC is committed to fostering the earliest and widest possible dissemination and use of publicly-funded research outputs, as already articulated in NHMRC's [Open Access Policy](#).

During April and May 2021, NHMRC consulted stakeholders on proposed revisions to its Open Access Policy and its accompanying Further Guidance. The proposed revisions focused on strengthening the policy to facilitate open access by removing the 12-month embargo period on publications and facilitating greater use of Creative Commons by Attribution (CC BY) licensing. While NHMRC remains committed to this path, we will not be making revisions to our policy for implementation from 1 January 2022 as originally planned.

NHMRC is considering the feedback from the consultation, which is summarised below, as the policy is further refined. NHMRC is also consulting further with stakeholders about specific issues and will continue communicating with key stakeholders in the sector as this process continues.

Background

NHMRC promotes transparency in research, where research findings, supporting data and enabling methodologies are shared and communicated openly, responsibly and accurately. These principles are outlined in the [Australian Code for the Responsible Conduct of Research](#) and [NHMRC's Research Quality Strategy](#). NHMRC's *Open Access Policy* is underpinned by the principle that NHMRC-funded research should be shared openly and at the earliest possible opportunity, and be freely available to use and share.

Open access publishing supports these principles by improving accessibility of research outcomes and accelerating their dissemination and translation into health policy and practice. The advantages of open access publishing have been clearly demonstrated as governments have relied on emerging science for evidence-based policy to address the COVID-19 pandemic.

NHMRC's current policy:

- requires peer-reviewed articles arising from NHMRC-supported research to be openly accessible within 12 months from publication, and the publication metadata to be openly accessible within 3 months from publication
- encourages researchers to take reasonable steps to share research data and associated metadata arising from NHMRC-supported research
- requires patents generated from publicly funded research to be listed with Source IP.

The policy applies to peer-reviewed journal articles and peer-reviewed conference papers. It does not apply to preprints or other manuscripts that have yet to be certified by a journal through peer review.

Recipients of NHMRC grants are required to comply with the policy. Although publication costs may not form part of a grant application, as they cannot be predicted before the research is done, NHMRC does allow a reasonable amount of grant funds to be used for publication purposes consistent with NHMRC's [Direct Research Costs Guidelines](#).

There is a growing international shift towards open access publishing, which encourages scientific collaboration, transparency and rapid sharing of information. The international movement towards open access publishing includes [Plan S](#), which came into effect on 1 January 2021 and is supported by cOAlition S – an international consortium of research funders.

Proposed revisions to NHMRC’s Open Access Policy

The proposed revisions to the policy were to:

- remove the allowance for a 12-month period before making a publication open access (embargo) and require publications to be made available immediately upon publication
- require authors to retain rights to their publications through open licensing ([Creative Commons Attribution 4.0 International ‘CC BY 4.0’](#))
- require publication metadata to be deposited in a repository immediately upon publication.

The aim of the proposed revisions was to support quality and transparency by ensuring research findings and methodologies are freely available to use and share in a manner that is responsible and accurate. The proposed revisions were also intended to bring the policy into alignment with the growing international shift towards open access publishing. Key points about the proposed revisions to the policy were:

- Removal of the embargo was consistent with the principle that NHMRC-funded research findings should be shared openly and disseminated widely, at the earliest possible opportunity.
- Mandating use of open licensing would ensure that publications are free to use and share, not just free to read.
- The proposed revisions were limited to the sections providing advice about publications.
- There would continue to be no restrictions on where researchers can submit publications.
- NHMRC-funded researchers may comply with the proposed revisions to the policy by either:
 - Making the Version of Record (VoR) freely available immediately at the point of publication (this is called ‘gold open access’ and often, but not always, incurs a fee such as an article processing charge).
 - Making a version of a published scholarly work (usually the Author Accepted Manuscript [AAM]) freely available in an institutional or subject repository (this is called ‘green open access’ and should never incur a fee).

Feedback from the consultation

NHMRC received 100 submissions to the consultation. The feedback from the consultation is summarised in the table below. This feedback was provided to NHMRC’s Research Quality Steering Committee, Research Committee and Council for their comment.

Topic	Feedback from the consultation
Removal of 12 month embargo for publications being made openly accessible	<p>Universities and Medical Research Institutes (MRIs) were largely supportive of immediate open access, but expressed concern about:</p> <ul style="list-style-type: none"> • the cost of gold open access and who would pay these costs • how publishers would respond and how to manage negotiations with publishers to support compliance with the proposed policy. <p>Most publishers commented that they supported immediate open access, but only through gold open access.</p>

Topic	Feedback from the consultation
Potential costs to researchers and institutions	<p>Several submissions noted that Plan S principles state that ‘Where applicable, Open Access publication fees are covered by the Funders or research institutions, not by individual researchers’.</p> <p>Many universities and MRIs suggested that NHMRC should consider models to provide direct funds for open access publishing. Some, but not all, submissions recognised that open access publication costs are an allowable expense under NHMRC grants.</p> <p>Some submissions suggested that NHMRC could add a requirement that NHMRC funds cannot be used to pay article processing charges for hybrid journals, as outlined in the cOAlition S policy.</p> <p>There was some concern that grant submissions may include inflated costs in other areas to cover potential payment of article processing charges.</p> <p>There was some concern that researchers in smaller, less resourced, universities and/or early and mid-career researchers may be unfairly disadvantaged because of having less access to funds to pay for article processing charges.</p> <p>All publishers suggested that NHMRC should consider making funding available to researchers, even after the end of a grant, to cover gold open access costs.</p>
Licensing of publications	<p>Universities, MRIs, societies and international funders provided support for the proposed amendment to mandate CC BY licensing. One university suggested considering application of an institutional level licence via institutional policy.</p> <p>Some submissions suggested that more restrictive creative commons licence options may be required for Indigenous research.</p> <p>Several submissions stated that cOAlition S only ‘preferences’ the CC BY licence and does not mandate it.</p> <p>Some submissions requested additional clarification about licensing. Some submissions asked how this section of the policy may fit with University IP policies.</p> <p>There were few supportive comments from publishers, which noted only that gold open access articles could use the CC BY licence in their journal/s.</p> <p>Many publishers and small society journals argued against mandatory use of the CC BY licence, claiming that it:</p> <ul style="list-style-type: none"> • would effectively eliminate the rights of authors • may not be legally sound or that it would ‘rewrite’ copyright law.
Implementation of the policy for existing grants	<p>The majority of universities, MRIs, open access publishers, open access advocacy groups and international funders expressed a preference for a 12-month transition to the new policy for existing grant holders.</p> <p>The majority of publishers, small society journals and professional associations preferred that the previous policy continue to apply for existing grants (i.e. only new grants would need to comply with the new policy requirements).</p>

Topic	Feedback from the consultation
<p>'Upon publication' refers to the timing of the official publication by the publisher/journal (e.g. official date of publication) rather than the publication of the 'Epub ahead of print'.</p>	<p>It was suggested the requirement could be changed to '<i>by the date of publication</i>' rather than '<i>upon publication</i>' in order to be consistent with Plan S requirements.</p> <p>Many submissions provided feedback about definitions of dates of publication and Epub, and the variation across the publishing sector. Some submissions noted that a significant delay between Epub and 'date of publication' would effectively allow for an embargo period. Suggestions for definitions included 'date document is made publicly available', 'at time of first posting online', 'the first appearance online'.</p>
<p>Publisher policies</p>	<p>Many universities and MRIs asked about potential reactions from publishers to the inclusion of the Rights Retention Strategy in NHMRC's policy. Questions included:</p> <ul style="list-style-type: none"> • whether the requirement for CC BY licensing would lead to increased rejections from journals • whether the notification to publishers from cOAlition S was sufficient, or whether NHMRC would have to notify publishers themselves or join cOAlition S • the response from publishers to the notification from cOAlition S • the expected response from publishers to any conflict between the requirements for application of a CC BY licence under this policy and their current publishing terms and conditions (which may not allow for immediate open access or may require payment of a fee) • whether publishers might redirect researchers to journals which incur costs for publication • the potential misalignment between the intent of the policy and current publisher agreements and research behaviour.
<p>Models for open access</p>	<p>Some universities suggested stating a preference for deposition in institutional repositories, i.e. green open access.</p> <p>Several publishers suggested that NHMRC should preference the VoR and gold open access, and clearly state depositing the AAM is a second best option to be used only in exceptional and rare circumstances.</p> <p>Many publishers and small society journals argued against allowing AAMs being made available through green open access under the policy, arguing that it:</p> <ul style="list-style-type: none"> • will undermine the integrity of the VoR • will lead to a proliferation of public posting of AAMs, which they claimed were inferior to the VoR • will undermine longer-term support for gold open access • makes green open access 'mandatory' • conflates 'open' with 'free' • compromises the publishers' business model by creating a free alternative through the use of a CC BY licence on the AAM • is financially unsustainable, so that smaller society journals may cease to exist.

Topic	Feedback from the consultation
Hybrid journals	<p>Some submissions questioned whether the policy would include a statement about the acceptability of hybrid journals, noting that cOAlition S does not support the use of hybrid journals. Hybrid journals are considered to ‘double dip’ by charging researchers to make their articles open access through article processing charges, while continuing to charge institutions subscription fees for access to the journal’s non-open access content.</p>
Immediate availability of metadata (removal of 3 month embargo)	<p>Most universities and MRIs stated that there would be no issue continuing to make metadata available through the institutional repository. However, several universities and MRIs stated that the removal of the embargo period would increase the burden on researchers and repository staff. Some universities stated that depositing the metadata into the institutional repository when the publication is already available in a separate open location was an administrative burden on researchers and repository staff.</p> <p>Many institutions asked for clarification about what an acceptable ‘short delay’ for publication of metadata in an institutional repository may be, with suggestions ranging from one week to six months. Several universities indicated that, as metadata in the institutional repository was harvested through indexing services, immediate deposit of metadata in the institutional repository may not be technically possible.</p> <p>Some submissions requested clarification about the definition of metadata, publication metadata and elements that should be included in metadata.</p>
Author choice of publication location	<p>Most universities were supportive of the concept articulated in the draft policy. Some suggested modification to the wording to indicate that there are no limits on where a researcher can submit a paper, and noted that most publishers provide options to comply with the requirements of the policy. Some universities expressed concerns about the response from publishers to the policy and how this may affect the publishing choices of their researchers.</p> <p>Most publishers said that this will mislead researchers because the NHMRC policy will undermine the publishers’ business model.</p> <p>One submission suggested that the development of a ‘journal checker tool’ (similar to that used by Plan S) or including a link to the Directory of Open Access Journals (DOAJ) would be helpful to researchers.</p>
Open access wording	<p>Several submissions suggested that the wording throughout the policy should be focused on making publications openly accessible rather than ‘depositing in a repository’ to:</p> <ul style="list-style-type: none"> • cover all models of open access • distinguish between depositing a publication in a repository and making a publication openly available in that repository, which are separate actions.

Topic	Feedback from the consultation
Collaborations	<p>Universities, societies, international funders and open access advocacy organisations supported open access being part of discussions when establishing collaborations.</p> <p>Some publishers and small society journals claimed that the new requirements in the policy would complicate and hamper international collaborations, and a small number suggested adding a numerical cut-off at which the NHMRC policy would apply, such as when NHMRC provides 51% or more of the funding.</p>
Compliance	<p>Several universities and MRIs requested information about how NHMRC will monitor compliance with this policy and if there will be any consequences for non-compliance.</p>
Definitions	<p>Many submissions provided feedback about definitions, particularly 'green open access' and 'gold open access'.</p>
Format	<p>Some submissions suggested repositioning some of the information in the FAQs into the policy document.</p>
Predatory journals	<p>Several submissions suggested inclusion of a statement about the responsibility of researchers to avoid predatory journals, similar to the statement in NHMRC's <i>Publication and dissemination of research: A guide supporting the Australian Code for the Responsible Conduct of Research</i>.</p>

Next steps

NHMRC remains committed to the principles and path outlined in the proposed revisions to the policy, but recognises the need to refine some elements and to ensure the policy is communicated as clearly and unambiguously as possible. For this reason, we will not be making revisions to our policy for implementation from 1 January 2022 as originally planned.

NHMRC is considering the feedback from the consultation as the policy is further refined and will continue communicating with key stakeholders in the sector as this process continues.