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FOAA Board recommendations for the implementation of Plan S

Signed on 4 September 2018, Plan S^[1] is an open access initiative signed by thirteen EU members. With the support of the European Commission and the European Research Council (ERC), the thirteen national funding organisations form the cOALition S, which will work on a coordinated manner to implement the Plan’s key principle: “After 1 January 2020 scientific publications on the results from research funded by public grants provided by national and European research councils and funding bodies, must be published in compliant Open Access Journals or on compliant Open Access Platforms.”

Recommendations:

- i. **Clarify the term ‘scientific publications’.** As it stands, it seems to refer only to published articles and not to research data. Research data are generally not released as ‘scientific publications’ in the same way as articles, books, or reports, but we know that publishers are systematically developing products and services with the intention of owning them. We recommend the term ‘scientific publications, reports, and data’ be used. Alternatively, Plan S can choose to focus on articles and reports, but make it explicit that data have to be freely accessible in the context of Open Science.
- ii. **Define a clear transition path for hybrid journals to (Gold) OA.** We suggest, in line with Stephan Kuster’s comment at the LERU meeting of October 2018, that to be compliant, the journal would need to be able to demonstrate it is transitioning within a 3-4 year period to fully gold OA by reporting on progress every year.
- iii. **Provide clarity if and how green Open Access (OA) will be compliant.** Green OA repositories seem to be endorsed only for preservation, not for OA itself. However, if compliant green OA is explicitly defined as *unembargoed libre green OA*, this is just as satisfactory as unembargoed libre gold OA, and this might incentivize publishers to hasten the transition of their journals to full gold OA. In this way, the value of repositories for OA itself can be acknowledged, not just for preservation and editorial innovation.
- iv. **We strongly recommend that support for OA promised in Plan S infrastructure be *public and open infrastructure*,** that is, platforms running on open-source software, under open standards, with open APIs for interoperability, owned or hosted by non-profit organizations. This should avoid infrastructure being acquired by large commercial publishers, which is a deliberate approach being taken to increase ownership of the whole scholarly communication ecosystem .
- v. **We recommend Plan S adopt the term ‘Open Research’ or ‘Open Scholarship’ to include all fields.** While the term ‘science’ does include the humanities in Europe, the term creates confusion elsewhere in the world.

The 10 principles

Principle 1:

“Authors retain copyright of their publication with no restrictions. All publications must be published under an open license, preferably the Creative Commons Attribution License CC BY. In all cases, the license applied should fulfil the requirements defined by the Berlin Declaration;”

Recommendations

- i. The requirement for open licenses and the choice of CC-BY is the right one, though it should be clarified (see 2). **The implementation of this stage should specify exactly which rights will be retained by an author.** At present, some publishers allow authors to “keep” their copyright while demanding that authors sign over all exclusive rights. Also, institutions differ with respect to the conditions around copyright retained by researchers. For instance, most UK institutions, have a legal right to works created by employees (academics) in the course of their employment (research work). By custom or by institutional rules, these rights are often reverted back to authors, but there is no guarantee of this. Also, it should be considered whether funders issue grants to institutions or to authors in the implementation of this step. Who will incur sanctions, researchers or universities? It is important to specify *who* retains rights.
- ii. **Lift the contradiction in Plan S around licensing.** It states that “research funders will mandate that access to research publications that are generated through research grants that they allocate, must be fully and immediately open and cannot be monetised in any way”. This formulation inadvertently rules out the CC-BY license, since this allows subsequent commercial re-use (even just for dissemination).
- iii. **Mandate that authors retain the right to deposit works in unembargoed libre green OA repositories.** The plan states that "authors retain copyright...with no restrictions", conditions which allow unembargoed libre green OA possible, but it would be clearer if this were stated unequivocally.
- iv. If publishers no longer retain copyright, **the publishers’ right to publish should be spelled out clearly in a license to publish.** Right now, some licenses give publishers no more right of first publication, while others are nearly equivalent to transferring permanent exclusive rights.

Principle 2:

“The Funders will ensure jointly the establishment of robust criteria and requirements for the services that compliant high-quality Open Access journals and Open Access platforms must provide;”

Recommendations:

- i. **Please be aware that such a service is actually quite complex, and will have to be run by a professional non-profit organization.** A list of compliant journals has to be maintained, publishers must be signed up etc. This needs to be factored into the management of the Plan S policy. Accreditation procedures are expensive and slow (see the Directory of Open Access Journals). A possible alternative is to use a service like Quality Open Access Market^[2] that requests systematic feedback from authors.

ii. **Criteria to ensure “high quality” should be handled with care**, particularly relating to certain standards or practices of peer review. Rigid criteria will stifle innovation in evaluation practices, e.g. regarding Open Peer Review. Evaluating research quality at the *journal* level works directly against the principles of the San Francisco Declaration on Research Assessment (DORA), to which several Plan S funders are signatories. Quality of research must be evaluated at the article level. The journal level should meet technical infrastructural criteria and quality of service criteria: editorial responsiveness, added value of peer review, language and copy editing, indexing, preservation. High quality can be fulfilled by requiring that publishers adhere to Committee on Publication Ethics (COPE) best practices or other membership organization guidelines.

Principle 3:

“In case such high quality Open Access journals or platforms do not yet exist, the Funders will, in a coordinated way, provide incentives to establish and support them when appropriate; support will also be provided for Open Access infrastructures where necessary;”

Recommendations:

- i. **In addition to supporting existing full Open Access journals, we recommend that initiatives to fund new OA journals should especially be supported if their editorial teams and boards have a transparent link with a past subscription journal** that had an excellent reputation. Establishing the quality of a new journal takes years, and puts authors publishing there at an initial disadvantage. The recent *Lingua-to-Glossa* flip is an example, which should be rolled out on a large scale. Although we do not wish to prevent new journals from entering the market, we believe the priority of Plan S should be to support ‘native’ OA journals and facilitate the transition of existing high quality journals to OA, and that means helping existing editorial teams and boards to do so.
- ii. **Provide incentives for editors to ‘flip’ existing subscription journals to Open Access.** Facilitate the transition of their journal to OA by paying for Article Processing Charges (APCs). Give priority to setting up an Open Library of the Humanities-like infrastructure to pay for APCs long-term.
- iii. **Clarify how the Open Research Europe Publication Platform (ORE) initiative fits into this picture**, since it presumably will be compliant. Please make sure that ORE itself uses open infrastructure.
- iv. As already mentioned above, **we strongly recommend that any new infrastructure be public and open infrastructure**, that is, platforms running on open-source software, under open standards, with open APIs for interoperability, owned or hosted by non-profit organizations.

Principle 4:

“Where applicable, Open Access publication fees are covered by the Funders or universities, not by individual researchers; it is acknowledged that all scientists should be able to publish their work Open Access even if their institutions have limited means;”

Recommendations:

- i. The principle that authors should not be required to pay for publication fees is in line with the Fair Open Access principles, and we fully endorse it. However, as it stands, the principle may suggest that

the publication fee model is the only route to OA. Several important reports about monographs and articles – such as the Crossick Report^[3] have emphasized the need for diversity of business models. **The implementation phase of this principle should therefore not only focus on publication fees, but also support no-(author)-fee initiatives.**

ii. **Make sure researchers have access to publication fees *after* their grant from the Funder ends.** Many research results are only published after the grant period: a grant has a long afterburn in terms of results, and papers often take a very long time to go through review. Researchers only need to demonstrate that the publication was a result from research carried out under the grant.

Principle 5:

“When Open Access publication fees are applied, their funding is standardized and capped (across Europe);”

Recommendations:

i. **Determine unequivocally which publications are eligible for funding.**

ii. **Do not vary the cap across disciplines or countries.** Keep it simple. Publisher costs vary enormously between publishers as a function of what they publish, the levels of cross-subsidy they have at their disposal, and their indirect costs for branding, lobbying, or legal action. For instance, Oxford University Press has considerable income from selling textbooks, which allows it to cross-subsidize its research monograph list. There are also economies (and dis-economies) of scale.

iii. Our most important recommendation; **build cost transparency into the cap.** It should be a requirement for publishers to provide the actual breakdown of costs contained in the publication fee, and make this information publicly available. Not asking for transparency will both establish the cap as a new price-point that will allow publishers to renegotiate it every few years and allow publishers with actual costs below the cap to raise their costs to meet the cap. The same mechanism is at work in the £9,000 cap on tuition fees in the UK, which is charged by almost all universities, regardless of their standing or costs. Publishers will be reluctant to provide cost information, but it is essential for Plan S to work.

The FOAA cost transparency proposal has already been agreed to by a subset of publishers in the Transparent Transition to Open Access (TTOA consortium).^[4] FOAA asks for publishers to provide information about (1) *indirect costs* (a. journal support and submission system; b. Platform development and maintenance c. general management costs; d. profit); (2) *direct costs* (a. editorial assistance; b. copy-editing c. promotion d. indexing and archiving (DOI, CLOCKSS etc)); and (3) *profit*.

In addition, we recommend that the publisher may keep the difference between the cap and the actual cost to provide waivers for articles that have no access to the European publication fee. This should allow hybrid journals to flip faster to OA. There would be a requirement for publishers to provide full accounting of such waivers. This proposal might also offer a partial solution for learned societies who publish journals, and currently derive a large amount of revenue from their subscriptions. If they are allowed, at least in a transition period, to keep the difference between cost and cap for their activities, they might be more willing to switch to OA.

The cost transparency requirement will have several advantages. First of all, it will exert downward pressure on pricing, as publishers, academics and Funders will be able to compare the actual costs for specific aspects of the production process. Secondly, it will provide the academic community and the Funders with a wealth of data regarding publication practices and costs, thereby enabling academics and Funders to take back control of the publication process. Thirdly, it will create the right incentives for the publishers receiving the money. We recommend that more thought be given to using the cap to create the right incentives. Otherwise, Plan S will only replace an expensive subscription model with an expensive APC model.^[5]

iv. **Ensure that no-fee OA journals (Platinum, Diamond) also have access to the Funders publication fee**, and consider additional ways of supporting them, for instance via the TTOA initiative. Most peer-reviewed OA journals today are no-fee. The importance of no-fee OA journals must be acknowledged in the larger ecosystem of OA options. No-fee OA journals are critical for unfunded and under-funded researchers. If the plan wants to sustain fee-based OA journals by paying APCs, as it does, then it should also want to sustain no-fee OA journals. Plan S needs to recognize their existence, their preponderance, and their value.

Principle 6:

"The Funders will ask universities, research organizations, and libraries to align their policies and strategies, notably to ensure transparency;"

Recommendations.

i. It is anticipated this could be the greatest challenge for the implementation of Plan S. Past experience shows that strong and unequivocal leadership for the move towards OA has been rare at the level of universities, libraries, and research organizations. **We recommend that strong funder policies and directives be put in place at the highest national and European levels.** Solicit explicit and unequivocal support of the Ministries of Education and Research in the European countries.

ii. **Support and encourage the application of DORA and other declarations on good research evaluation practice no later than 2020.**

Principle 7

"The above principles shall apply to all types of scholarly publications, but it is understood that the timeline to achieve Open Access for monographs and books may be longer than 1 January 2020"

Recommendations:

i. **We recommend that a concrete deadline for monographs and books be put in place to prevent inaction.** Books have a lead time of several years: authors sign contracts now for titles that won't be published until 2022. Some have even longer lead times on advance contracts.

ii. **Please also mention the desirability of Open Access for other types of publication: data and software**, although these do not necessarily have to be part of Plan S at this point.

iii. **Collected volumes should be treated as journals**, with their chapters treated as articles, each of these eligible for a publication fee. This would capture 80% of the academic book market.

Principle 8:

"The importance of open archives and repositories for hosting research outputs is acknowledged because of their long-term archiving function and their potential for editorial innovation;"

Recommendations:

i. As already mentioned above, **it is imperative to specify under what conditions green OA is acceptable to Plan S.** Can a researcher publish in a hybrid (or even subscription/toll access) journal provided that they deposit the AAM with an open license and no embargo? On the one hand, this would be an easy solution to compliance: drop the embargo period to zero and insist on a CC-BY license. There is no robust evidence of what a radical green transformation at this scale would do to publisher business models. Some of us believe that it would cause substantial disruption and drive many to gold OA models. On the other hand, if publication in green OA suffices for compliance with Plan S, it might virtually guarantee the indefinite continuation of the subscription model.

Principle 9:

"The 'hybrid' model of publishing is not compliant with the above principles"

Recommendations:

i. **Make sure there is a clear transition program available that allows the transition from hybrid to OA.** We recommend a carrot-and-stick policy. The stick: put pressure on researchers to no longer serve as editors for hybrid journals. The carrot: help editors and publishers in the transition of their journals to OA. We believe the TTOA consortium provides some of the 'carrot' elements for such a transition model, with added benefits for authors and publishers.

ii. **Clearly define 'hybrid' to prevent circumvention tactics.** Principle 9 is clearly aimed at eliminating subscription for good. However, there is a risk that publishers might try to avoid this by "splitting" a title into two components with similar names ("Nature Open" and "Nature Classic"), allowing them to continue publishing subscription for the "classic" title while only making European/Plan S researchers OA. There could even be a common submission portal that just filters the user to the "correct" journal for their compliance status. A careful definition of "hybrid" will prevent such tactics. If the definition is "the journal publishes articles that are not compliant with Plan S under the same journal name", then there are ways publishers may get around it to continue subscriptions. If the definition is that hybrid journals "take subscription revenue", then membership business models for OA may look "hybrid".

iii. **Clarify the position on 'hybrid'.** The plan says that the "so-called 'hybrid' variants [on subscription journals]...should be terminated." Later it also says that "the 'hybrid' model of publishing is not compliant with [these] principles." But in between these two unqualified statements it adds the qualification that hybrid journals are acceptable as stepping stones to full OA. "Therefore, it is acceptable that, during a transition period that should be as short as possible, individual funders may continue to tolerate publications in 'hybrid' journals." In context, this exception leaves room for "offset" agreements, which only apply to hybrid journals. We accept the fully nuanced position here -- refusing

to pay APCs at hybrid journals except those that can demonstrate that they are converting to full (non-hybrid) OA. But the plan contains an apparent inconsistency that a simple revision could fix.

iv. The Plan states that offset agreements and paying fees at hybrid journals are acceptable for a transition period provided that the period is "as short as possible". **Define a specific period that leaves no ambiguity**, as this is not currently stated in the document.

Principle 10:

"The Funders will monitor compliance and sanction non-compliance."

Recommendations:

i. We fully endorse this principle. Without some form of sanction, preferably financial for future grants/funding clawback, the Plan will not succeed. **Clear sanctions for violating the policy should be put into place.**

ii. **It is important to formulate a position on academic freedom in this context.** As we have said before, academic freedom does not extend to burying one's research behind a paywall. To paraphrase a well-known dictum: your academic freedom to publish wherever you want ends where my right to freely access your research starts. We recommend formulating a detailed statement on how the demands of Plan S interact with legal and cultural norms of academic freedom to select a publication venue. Laws and customs vary enormously around the world. In the UK, for instance, there is no legal statute that confers an explicit right of researchers to select publication venue, but in the States this is more thoroughly encoded, since, academic freedom explicitly extends to choosing the publication venue under the 1940 AAUP declaration. In Germany, authors have a constitutional right to publish where they want.

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[1] https://www.scienceeurope.org/wp-content/uploads/2018/09/Plan_S.pdf

[2] <https://www.qoam.eu/>

[3]

http://webarchive.nationalarchives.gov.uk/20180322112445tf_/http://www.hefce.ac.uk/pubs/rereports/year/2015/monographs/

[4] <https://www.fairopenaccess.org/2018/09/20/the-fair-open-access-alliance-foaa-on-plan-s/>,

<https://www.fairopenaccess.org/wp-content/uploads/2018/05/Public-statement-TTOA-consortium-30may18-def.pdf>

[5] See also Curt Rice on this risk: <https://khrono.no/apen-tilgang-curt-rice-open-access/curt-rice-plan-s-doesnt-go-far-enough/241004>
