

Open Access and Compliance with NIH Public Access Policy

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<http://scholar.lib.vt.edu>

Reason for Discussing Open Access

- Required article deposit to comply with federal public access policy
 - NIH requirement as of April 7, 2008
<http://publicaccess.nih.gov/>
 - Subsequent federal granting agencies
- Faculty sentiment for access via university/library public repository

Public Law 110-161

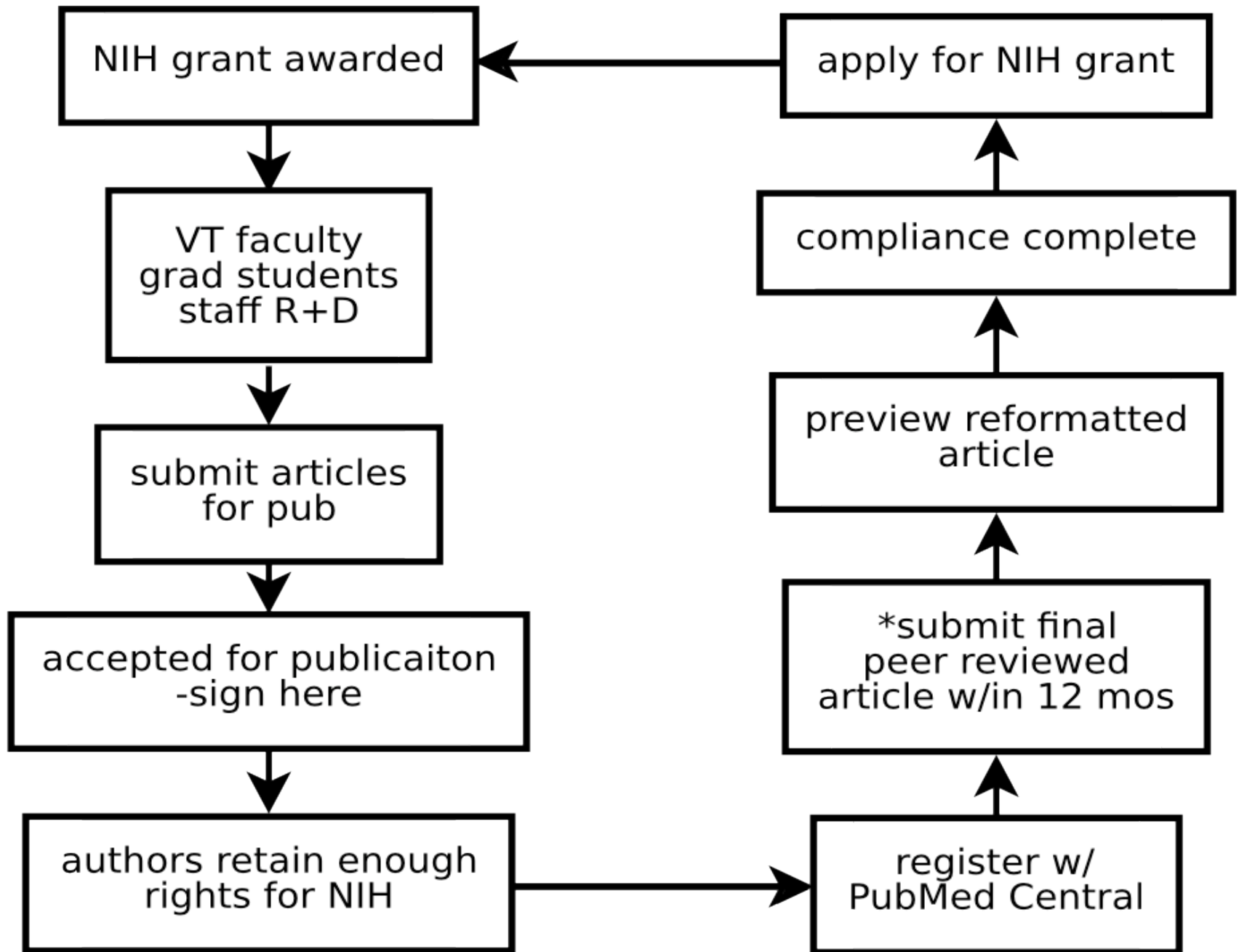
Div. G, Title II, Sect. 218

The Director of the NIH shall that require *all investigators funded by the NIH* submit or have submitted for them to PubMed Central an e-version of their final, peer-reviewed manuscripts *upon acceptance for publication*. These shall be publicly available no later than 12 months after the official date of publication in a manner consistent with copyright law.

<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-033.html>

PubMed Central

- PMC is a digital archive of full-text, peer-reviewed biomedical and life sciences journal articles.
- Content is publicly accessible without charge
- <http://www.pubmedcentral.nih.gov/>



Retain enough rights

Roads to Open Access

- Authors hold exclusive copyright until they transfer them to publishers.
 - May require a contractual addendum
 - May request and receive permission
- Authors share their rights by permitting non-exclusive use of their copyrighted works.
 - Journal publication
 - [NIH PMC] deposit
 - University/library repository

What is required to comply?

1. Retain enough copyright to grant PMC a license for public access
2. Submit article through the PMC website
 - Final, peer-reviewed manuscript with all graphics and supplemental materials
 - Confirmation of the final, reformatted version
3. Include PMC reference number in subsequent grant application--demonstrated compliance
 - Universities become more concerned with faculty publications due to risk of institutional consequences for errors or neglect.

NIH Public Access Policy effective

- April 7, 2008: Articles accepted for publication on or after this date must be deposited in PubMed Central. <http://www.pubmedcentral.nih.gov/>
- May 25, 2008: NIH applications, proposals and progress reports must include PubMed Central reference number when citing articles arising from NIH funded research.

Options for copyright management

- Some journals will deposit articles in PMC
 - http://publicaccess.nih.gov/submit_process_journals.htm
- University could negotiate directly with publishers.
 - License could be automatic, flexible
 - Authors would no longer have to individually negotiate to comply with federal policies
 - Could cover federal deposit (e.g., PubMed Central) and VT repository
 - Library contracts for ejournals and databases
- Faculty use sample publication agreements
 - <http://www.arl.org/resources/pubs/br/br258.shtml>
 - <http://www.bioone.org/>
 - <http://www.mclibrary.duke.edu/nihpolicy/>

NIH suggests language for addenda to publication agreement

The [Journal] acknowledges that [Author] retains the right to provide a copy of the final manuscript to the NIH upon acceptance for publication for public archiving in PubMed Central as soon as possible but no later than 12 months after publication in [Journal].

<http://publicaccess.nih.gov/FAQ.htm#c3>

VT faculty opinion about article access via library (public) repository

- I agree that if a federal granting agency requires that I deposit articles in a publicly accessible database, the university/library may locally archive and provide access also.
- Share your opinion with gailmac@vt.edu

Resources for VT Compliance with NIH Public Access Policy

- Linda Bucy, Asst. VP for Sponsored Programs
lbucy@vt.edu
- Amanda Burks, Office of Legal Counsel
aeburks@vt.edu

NIH 2nd Request for Comments

- <http://publicaccess.nih.gov/comments.htm>
 - until May 1, 2008
- Read Comments
http://publicaccess.nih.gov/comments2/comments_web_listing.htm