

NIH Public Access Policy

What It Means for Authors
and for Universities



The NIH Public Access Policy implements Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008) which states:

SEC. 218. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

How Submission Works

- Researcher (or third party) submits electronic manuscript to PMC
- Principal Investigator later receives an email requesting that the PMC-formatted version be reviewed and approved



Copyright

- PI has an obligation to grant NIH copyright permission to make the manuscript publicly accessible through PMC by 12 months after publication date



Brief History of Public Access Policy

- July 14, 2004- NIH was instructed to draft a policy requiring free online access to articles written from NIH sponsored research to make available within 6 months of article publication
- Effective May 2, 2005 the final policy
 1. Was voluntary instead of mandatory
 2. Required the person submitting to grant NIH copyright permission to make full text available to the public
 3. Optional embargo period extended from 6 months to 12 months after publication

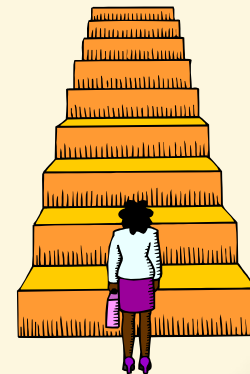
Implementation and Success Rate

- NIH emphasized three goals in the voluntary policy implementation
 1. Increased Accessibility
 2. Acceleration of Scientific Discovery
 3. Creation of Permanent Archive of Research Results
- NIH sent a progress report to Congress in February 2006 which stated that the rate of compliance was less than 4%



Required Submission and Institutional Challenges

- Responsibility of manuscript submission lies with author only
- Seasoned researchers are accustomed to signing all of their rights away to publish in reputable journals
- Most institutions have a “hands off” approach to faculty publications
- No current institutional system to check that authors are complying with NIH requirement



Repercussions of Failure to Comply

- NIH has enforcement rules that include placing special conditions on awards or precluding the grantee from obtaining future awards for a specified period, or may take action designed to prevent future non-compliance, such as closer monitoring
- NIH also has the right to suspend or terminate an award



Copyright Considerations and Options

A White Paper created by SPARC, Science Commons and
ARL

1. Rely on individual authors to satisfy grantee's obligation under the award
2. Assist Authors with Copyright Management
3. The Grantee License
4. The Grantee License Plus
5. Negotiate Directly with Publishers
6. Pre-clear Journals

University Open Access Actions and Licenses

- Harvard Faculty of Arts and Sciences
- University of California System
- Rice University



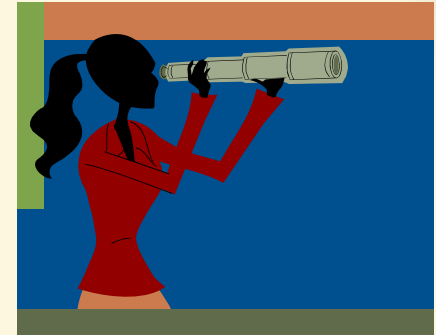
Current Actions taken by the University of North Texas Health Science Center

- Cooperation between the Library and the Grants and Contract Management Office
- Creation of author awareness letter signed by Executive Vice President for Academic Affairs and Research and by the Associate Vice President for Research
- Faculty reception to talk about compliance informally
- Library initiation of Open Access discussion, and reasons why a non-exclusive institution license to campus created works would be beneficial



The Future of Scholarly Communication

- Tenure and Promotion
- Scholarly Associations
- Dissemination from Libraries
- Using the repository to comply with NIH requirements



References

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