

## Editorial: Why We Oppose Gold Open Access

### Introduction

The Report of the UK Working Group on Expanding Access to Published Research Findings, *Accessibility, Sustainability, Excellence: How to Expand Access to Research Publications* (the Finch Report) was published in June 2012. The Report focuses on the publication of articles in peer reviewed journals. It recommends a move to open access publishing in order to make the results of research undertaken in the UK more widely available to academic researchers, public sector and industry research users, and the general public. The model of open access publishing it advocates is so-called 'Gold Open Access', involving the payment of an article processing/publishing charge (APC) by authors. In this way, journal publishers will continue to cover their costs and articles will be free to all at the point of consumption. The only issue to be addressed is the cost of APCs, and the report makes various recommendations as to how this may be covered by government, universities and research councils, especially during what is likely to be a substantial period of transition from the current situation in which journals are largely funded by subscriptions.

We applaud and endorse the goal of making research more widely available by means of open access publishing. We agree with the Working Group that 'the principle that results of research that has been publicly funded should be freely accessible in the public domain is a compelling one, and fundamentally unanswerable' (Finch Report, p. 15). We are, however, strongly opposed to the recommendation that the model to be adopted should be 'Gold Open Access' involving the payment of APCs.

### Critiques of 'Gold Open Access'

Support for Gold Open Access as opposed to other open access models is not argued in the report. It is simply taken to be the norm for open access publishing, apparently based on the fact that this is the model which has been adopted by the big open access publishers such as BioMedCentral and PLoS, and by commercial publishers, including in 'hybrid' journals (funded primarily by subscriptions but offering authors an open access option on payment of an APC) (pp. 32-33). However, the field of open access can hardly be described as mature, and the fact that APCs are charged by the major open access publishers may simply reflect the model that is most feasible under present market conditions, that most closely resembles the subscription model, and that best suits a narrow group

of market actors. To opt for this as the long-term position would appear to be a premature judgment.

Our concerns about 'Gold Open Access' centre on the fact that it provides only a limited version of open access, focusing on access for consumers but not for authors. We believe that while the current subscription-based system creates barriers for consumers while being generally open to authors, 'Gold Open Access' will simply reverse this position, removing barriers for consumers but creating them for authors. These barriers are likely to include the following:

- While the report pays lip service to the notion of making the world's research more accessible across the UK (and presumably the rest of the world), it does not address the severe disadvantage overseas authors, particularly those from the global south, are likely to experience faced with the demand to pay UK-level APCs, whether because their institution would not be prepared to make or would not be able to afford such payments. For example, in its first three issues, *feminists@law* has published work from researchers based in South Africa, Ghana, Hungary, Costa Rica, Ecuador and Colombia, as well as Australia, Sweden, Italy and Finland, none of whom would have had the capacity to pay an APC. Publishing these authors makes their work available in the UK and to a global audience, and also guarantees that UK work published alongside it is widely read overseas. These benefits would not be available under a 'Gold Open Access' model. The proposals in the report for Research Council funding to cover APCs would apply only to (some) UK authors. Similarly, the stated success criteria of 'costs and affordability for research funders' (p. 62) and 'costs and affordability to universities' (p. 63) are discussed only in terms of UK research funders and universities. The UK-centrism of the report is a serious shortcoming.
- Even within the UK, certain categories of authors are likely to be disadvantaged. These include researchers with no institutional affiliation (mentioned briefly at p. 71), postgraduate students (for whom funding to cover APCs may not be available, thereby inhibiting their ability to enter the publication system), early career researchers (for whom APCs may represent a further psychological and/or material barrier to getting published), and researchers whose work is not funded by Research Council grants (who may be faced with increasing pressure to obtain grant funding in order to fund their publications).

- More generally, less well-endowed universities are likely to be able to offer less to their staff in terms of support for APCs, thus inhibiting their ability to publish. The report comments on current differential levels of access to subscription journals between well-endowed, research-led institutions and smaller, less research-intensive institutions without the resources to purchase access to large bundles of titles through big deals (p. 39). It fails to acknowledge, however, the very real likelihood that under the 'Gold Open Access' model, these differentials would simply be reproduced in a different form, disadvantaging authors rather than readers from those universities.
- The report states at several points (pp. 9, 11, 7, 107-108) that universities will need to establish policies and procedures concerning how much funding to provide for APCs, how those funds are to be administered, and how judgments will be made about publications in journals with different levels of APCs, and publications considered to be 'not of the highest quality'. Despite exhortations that these policies should be developed 'in consultation with staff' and 'in line with the principles of academic freedom', university staff should rightly be anxious about this prospect. There is much evidence to suggest that mechanisms for the internal distribution of funding provide opportunities for various forms of discrimination, can be and are used by management as a means of disciplining staff, and are vulnerable to retrenchment in times of funding constraint. As the report acknowledges, policies will also be needed in relation to collaborative work between researchers in different UK institutions, and collaborative work with overseas authors. The transaction costs for universities of devising and implementing these arrangements are likely to be very significant, but are mentioned only in passing in the report (p. 108) and are not factored into the costings provided.

Further, while the report envisages price competition between journals with regard to APCs (p. 11), this eventuality seems unlikely. As has been the experience with university fees, it is more likely that a system will develop in which higher cost equates with greater prestige. Indeed, there would be nothing to stop the most prestigious and highly sought after journals from exploiting their market position to raise their APCs, similar to the way in which the cost of journal subscription packages has increased under the current system.

In addition, learned societies have expressed considerable alarm at the prospect of a shift to 'Gold Open Access'. Many societies derive subscription income from journals which sustains a range of

important activities within the academic community. Members also see journal access as a valuable benefit, and this helps to sustain membership levels. Under a 'Gold Open Access' regime, journal access would no longer constitute a membership benefit and correspondingly, membership numbers may decrease (thereby reducing revenues from membership fees as well). Moreover, the level of APCs that would need to be charged in order to sustain the current level of activities is likely to be prohibitive. Thus 'Gold Open Access' would threaten the viability both of these journals and of the learned societies they support. This issue is raised several times in the report (pp. 36, 65, 93, 110), but beyond asserting that it is important for learned societies to be able to maintain their publishing programmes and associated activities, no particular solution is provided, beyond saying that societies will need to adjust their business models.

Finally, one other group of journals which would be damaged by Gold Open Access also deserves mention. These are journals which are published by commercial publishers, but where the publishers provide substantial funding to the journal editorial board derived from subscription income (in practice, from consortia deals), and the editorial board uses these funds to support a range of academic activities. This model is prominent, for example, in the law discipline, where journals such as the *Modern Law Review*, *Journal of Law and Society* and *Social and Legal Studies* use their income to make small research grants, fund seminars and workshops, contribute to the cost of learned society conferences, and provide bursaries and scholarships for postgraduate students. Journals in this category are not mentioned at all in the report, but would be in a similar position to learned societies in being likely to lose some proportion of their income, to the detriment of the various academic activities they currently support.

### *Other Open Access Models*

The perceived need to move from funding journals via subscriptions to funding them via APCs takes for granted the cost of journal production and the profits flowing to commercial publishers. However, it would surely be more in the interests of authors (in the UK and internationally), consumers, universities and research funders to move to a model in which publication costs were reduced to the extent that neither journal subscriptions *nor* APCs were required to be paid.

Publication costs are high in the case of print journals and specially constructed internet platforms, and so are marketing costs where this is necessary in order to sell subscriptions. These costs are reduced dramatically, however, when publication is open access, online and uses open source software such as the Open Journal System (OJS), which is capable of maintaining equally high

standards of presentation, discoverability and navigation. They are further reduced in the absence of editorial fees. It is notable that even under the current subscription system the crucial work of peer review is unremunerated, as is, in practice, much journal editorial work undertaken by academics.

There are two available models for achieving such cost reductions. One is so-called 'Green Open Access' which refers to the use of institutional repositories for staff research publications. The drawback of this model is that work published in repositories is not subject to peer review, and thus is not quality controlled in the same way as journal publication. Thus, while repositories may operate as a valuable supplement to journal publishing, they cannot substitute for it.

The other model does not yet have a name – but we may call it 'Platinum Open Access' or 'Universal Open Access'. Under this model, journals (such as this one) are online, open access, using open source software, hosted by universities, and run by volunteer academic labour, with reviewing and editing tasks being institutionally acknowledged and rewarded in other ways. They offer true open access, i.e. are free for consumers to read (globally) and for authors to enter (globally). The relatively low cost of server space is borne by the host institution – at considerably less cost than either journal subscriptions or APCs. This is the fastest growing sector of open access publishing. Indeed, according to the Working Group's report, 'most' journals listed in the Directory of Open Access Journals 'are relatively new journals which have been open access from the start, many of them founded by individual scholars on tailor-made platforms [the report does not mention open source journal software], often with a business model based on voluntary labour and the use of a university's web server free of charge' (p. 32). In our view, this is the model that requires further investment and development.

The 'Platinum/Universal Open Access' model would not directly address the position of learned societies reliant on subscription income. It is suggested that the valuable work undertaken by learned societies would best be addressed by direct funding of the societies by the Research Councils and/or by HEFCE, including the cost of server space and, if necessary, editorial fees to support continued journal production. This would enable their journals to become open access without sacrificing the benefits currently derived from them (including, for members, the activities they sustain rather than access to the journal itself), and at considerably less cost than that required to fund APCs throughout the UK higher education sector.

In relation to non-learned society journals which also currently use subscription income for the benefit of the academic community, possible models for ongoing support of those activities might include:

- Contributions from higher education institutions, out of savings from library journal subscription budgets, and/or
- A royalty regime for reproduction of journal content in study packs, textbooks, and any other commercial use, and/or
- Advertising attached to the publishing platform (such as the array of sidebar advertising and click through schemes which currently fund so much of the 'free' internet).

### *The Way Forward*

The UK government has already announced that it has accepted the Finch report recommendations. RCUK has adopted a policy requiring all publications derived from Research Council grants to be published in an open access format from 1 April 2013, and will be making block grants to universities to fund APCs, based on each institution's Research Council grant income. The European Research Council has made a similar announcement to take effect from 2014. HEFCE has also indicated that it may mandate open access publication as a condition of entry to future REF exercises, and will be launching a consultation this Autumn. Rather than accepting the notion that open access can only be Gold or Green, now is a crucial time to promote a different model. 'Gold Open Access' can be challenged by the development of 'Platinum/Universal Open Access' publishing, and universities can actively promote this model and argue for its virtues. These include much lower transition costs in the short to medium term, considerable cost savings in the longer term, the avoidance of fraught negotiations over APC policies, greater access for both readers and authors, and a solution that is capable of working effectively on a global level.