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Faculty experiences with the National Institutes of Health (NIH) public access policy, compliance issues, and copyright practices

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Faculty experiences with the National Institutes of Health (NIH) public access policy, compliance issues, and copyright practices EC

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Objectives: The research assessed faculty awareness of the National Institutes of Health (NIH) public access policy and faculty experiences with the copyright terms in their author agreements with publishers.

Methods: During the fall of 2011, 198 faculty members receiving funding from NIH at a large urban academic institution were invited to participate in an anonymous online survey. A total of 94 faculty members responded to the survey, representing a response rate of 47%.

Results: Thirty percent of the survey respondents were either unaware of or not familiar with the NIH policy. Further, a significant number of faculty members (97.8%) indicated that they usually signed their copyright forms ''as is.'' The findings show that time, confusing instructions, and unclear journal policies are challenges experienced by NIH-funded faculty in complying with the federal mandate.

Conclusion: There is a need to educate faculty with respect to the value of retaining their copyrights and self-archiving their publications to help advance public access and open access scholarship.

INTRODUCTION

In April 2008, the National Institutes of Health (NIH) enacted the public access policy [1, 2]. One of the main goals of this policy is to make the published results of NIH-funded research more accessible to the public, health care providers, educators, and scientists [3]. The NIH policy was a result of years of dialog between librarians, publishers, faculty researchers, and funding agencies about how to broadly disseminate the results of federally funded research [1, 4, 5]. The Medical Library Association (MLA) and the Association of Academic Health Sciences Libraries (AAHSL) have endorsed policies supporting free online availability of the results of taxpayer-funded research as an optimal approach for maximizing scientific productivity [6].

The NIH policy has been widely recognized as an important development in terms of open access to medical research and the scholarly journal literature [2, 7]. The NIH policy mandates that the final peer-reviewed version of an article based on NIH-funded research will be placed in the PubMed Central repository within twelve months of publication [8]. This mandate means faculty authors who have received funding from NIH need to investigate a journal's policy on compliance with the NIH policy, negotiate any needed amendments to their author agreements with publishers to allow depositing articles in PubMed Central, or manually submit the author's final version of the manuscript to PubMed Central. Hence, a strong connection exists between journal policies, author agreements, and compliance with the NIH policy. Currently, little is known about

EC A supplemental appendix is available with the online version of this journal.

Highlights

- A majority of faculty members were aware of the National Institutes of Health (NIH) public access policy and supported the idea of making the results of publicly funded research available to the public.
- NIH-funded faculty rarely modified author agreements with publishers, thereby signing away their copyrights and potentially affecting their ability to comply with the NIH policy and their ability to self-archive their manuscripts.
- Time, confusing instructions, or unclear journal policies were challenges reported by faculty in complying with the NIH mandate.

Implications

- Librarians may wish to engage in scholarly communication outreach efforts across campus to help educate faculty about the NIH public access policy, compliance issues, open access, and copyright.
- Faculty members could greatly benefit from more information with respect to the rights they can retain under their author agreements.

faculty awareness and experiences related to compliance with the NIH public access policy among NIH-funded faculty researchers.

Past studies have discussed the views of publishers or libraries on providing information about the NIH policy, while others have examined awareness of the NIH policy among health personnel at a community-based clinic [7, 9–12]. Fewer studies have examined the NIH policy from the faculty's perspective. Banks and Persily, for instance, surveyed faculty members at

the University of California, San Francisco, and reported 84% of the survey respondents considered themselves aware or highly aware of the NIH policy [5]. However, the survey's targeted audience was *all* faculty on a particular campus, and only 57% of the respondents in the study had received an NIH grant within the previous 3 years [5]. While this study is valuable for assessing overall faculty awareness of the federal mandate, research that specifically investigates awareness of the NIH policy *among* NIH-funded faculty researchers is still needed. Pontika undertook relevant dissertation research that involved interviewing forty-two NIH-funded investigators about their publishing practices and observed that study participants did not seem to pay close attention to the publishers' licensing agreements [13]. Crummett et al. also asserted that faculty authors did not appear to spend much time reading their publisher agreements [14]. To date, research investigating the impact of the NIH policy specifically in relation to faculty views of open access mandates, compliance, and copyright practices is limited.

To address these under-explored areas in the published literature, the aim of this study was to assess faculty attitudes about access to federally funded research, awareness of the NIH public access policy, and how NIH-funded faculty researchers approach the copyright terms in their publishing agreements with publishers. Four main research questions guided data collection and analysis:
1. To what extent are NIH-funded faculty members aware of the NIH public access policy?
2. Have NIH-funded faculty experienced any challenges when trying to comply with the NIH policy? If so, what were the challenges?
3. To what extent do NIH-funded faculty members agree with the principle of making the results of publicly funded research available to the public?
4. Has the policy made NIH-funded faculty examine author agreements with publishers more closely?

METHODS

An online questionnaire (Appendix, online only) was utilized to assess faculty awareness of the NIH public access policy. The survey was developed by the investigators to determine if NIH-funded faculty researchers had experienced any challenges complying with the NIH policy and how faculty approached the copyright terms in their publishing contracts. The survey questions covered the topics of negotiation of copyright terms in publishing contracts, attitudes toward public access to the results of federally funded research, awareness of the NIH policy, and barriers to complying with the NIH policy. Ethical approval was obtained from Wayne State University.

During the fall of 2011, faculty members receiving funding from NIH at Wayne State University in Detroit, Michigan, were invited to participate in an anonymous online survey consisting of seven questions about the NIH policy. Faculty members having received NIH funding were identified by searching a

Table 1
Awareness of the National Institutes of Health (NIH) public access policy

To what extent are you aware of the NIH public access policy?	n (94)	%
Knowledgeable	66	70.2%
Heard of it/Aware but don't know much about it	26	27.7%
Not aware	2	2.1%

publicly available database called RePORTER [15]. This online database is maintained by the US Department of Health and Human Services and is freely accessible to the general public. According to this database, a total of 198 faculty members at Wayne State University received funding from NIH within the last three years (2008–2011) since the NIH public access policy went into effect, thus constituting the study sample. Faculty invited to participate in the survey were from the Wayne State University School of Medicine, College of Pharmacy and Health Sciences, College of Nursing, College of Education, College of Engineering, Institute of Gerontology, and College of Liberal Arts and Sciences.

The survey was entered into SurveyMonkey, a web-based survey tool, and a web link to the online survey was generated. NIH-funded faculty members received an email message inviting their participation in a research study about their experiences with the NIH mandate. Participants were asked to voluntarily participate in the study by clicking on a web link included in the email message that directed participants to the web-based survey. Two follow-up reminders about the survey were sent, and the survey closed after thirty days of data collection. Responses were anonymous, and respondents were prevented from answering the survey more than once. Once the data were collected, two researchers (the authors) analyzed and interpreted the survey results in the context of the research questions.

RESULTS

A total of 94 NIH-funded faculty members of the Wayne State University community responded to the survey, representing a response rate of 47.5%. Not every respondent answered every question, but all respondents rated their awareness of the NIH public access policy. Survey respondents were asked to what extent they were aware of the NIH public access policy. Of the 94 responses, 2 faculty members (2.1%) indicated that they were not aware of the policy, 26 (27.7%) had heard of the policy but were not familiar with it, and 66 (70.2%) reported that they were familiar with the policy (Table 1).

Faculty members were also asked to what extent they agreed with the principle of free access for all to the results of publicly funded research. As seen in Table 2, 58.7% (n=54) of the NIH-funded faculty respondents ''Strongly agreed'' and 33.7% (n=31) ''Agreed'' with the principle of making the results of publicly funded research available to the public.

Table 2
Attitudes about access to federally funded research

To what extent do you agree or disagree with the following statement: "The principle of free access for all to the results of publicly funded research is important to me."	n (92)	%
Strongly agree	54	58.7%
Agree	31	33.7%
Neither agree or disagree	7	7.6%
Disagree	0	—
Strongly disagree	0	—

Taken together, 92.4% (85) of faculty either strongly agreed or agreed that free access to the results of federally funded research was important.

To ascertain how faculty researchers examine author agreements with publishers, the survey asked faculty receiving NIH-funding how they approach the copyright terms in their publication contracts. As illustrated in Table 3, 58 faculty members (63.0%) indicated that they examine the copyright terms of their publishing contracts and usually sign it "as is." Thirty-two faculty members (34.8%) indicated that they do *not* examine the copyright terms of the contract at all and sign it "as is." This means that a significant number of faculty (n=90, 97.8%) usually sign the copyright form "as is." In contrast, only 2 (2.2%) said they modify the copyright terms before signing it.

Faculty members were also asked if the NIH policy has made them examine their publishing contracts more closely. As seen in Table 4, only 4.4% (n=4) of faculty "Strongly agree" that the policy has made them examine author agreements with publishers more closely, while 23.3% (n=21) "Agree." On the other hand, 28.9% (n=26) of faculty indicated they "Disagree" that the NIH policy has made them examine author agreements with publishers more closely and 5.6% (n=5) "Strongly disagree."

Survey responses also illuminated some of the challenges encountered by NIH-funded faculty when trying to comply with the NIH policy. Of the study sample, 19.1% of NIH faculty awardees reported compliance challenges (n=17). Faculty commented that the process was "cumbersome," "time-consuming," and "time intensive." Faculty also reported that journal policies were either confusing, difficult to follow, or unclear, as illustrated by the following responses:

Table 3
Approaches to copyright terms in publication contracts

How do you currently approach the copyright terms in your publication contracts?	n (92)	%
I examine the copyright terms of the contract and usually sign it as is.	58	63.0%
I don't examine the copyright terms of the contract; I just sign it as is.	32	34.8%
I modify the copyright terms before signing.	2	2.2%
Not applicable	2	2.2%

Table 4
Influence of NIH public access policy on examining publishing contracts

To what extent do you agree or disagree with the following statement: "The NIH public access policy has made me examine author agreements with publishers more closely."	n (90)	%
Strongly agree	4	4.4%
Agree	21	23.3%
Neither agree or disagree	32	35.6%
Disagree	26	28.9%
Strongly disagree	5	5.6%
I don't know	2	2.2%

"The instructions are difficult to follow."
"It is difficult, for some journals, to figure out their procedures for depositing accepted papers."
"Some journals are not helpful in facilitating the deposit of articles into PubMed Central."
"I have had to contact journal editors and ask that the manuscript be deposited in PubMed Central."

DISCUSSION

This study was designed to examine if faculty were aware of the NIH public access policy, how faculty approach author agreements with publishers, and if the NIH policy has made faculty examine publication contracts more closely. Findings from the survey responses provided answers to the study questions. Further, the findings offered specific information about areas in which further education of faculty may be warranted.

Previous research reported that 84% of faculty on one campus considered themselves to be "aware or highly aware" of the policy [5]. In this study, 70% of faculty members who were NIH grant awardees reported being either aware of the NIH public access policy or having heard of it. Because 30% of the survey respondents were either unaware or not familiar with the NIH policy, this finding suggests that efforts to help increase faculty awareness of the policy are still warranted. Thus, librarians may want to engage in scholarly communication outreach efforts across campus to further educate faculty about the policy.

Faculty confusion about the NIH policy and challenges with compliance were also evident. This finding agrees with earlier research and helps to illuminate the specific challenges encountered by faculty [13, 14]. Specifically, faculty NIH grant awardees noted that the time involved in deciphering confusing instructions, effort expended on contacting journal editors, and unclear journal policies were challenges reported in complying with the federal mandate. Librarians are well positioned to help faculty unravel the complexities of understanding the NIH policy and compliance issues by offering services such as investigating journal policies and journal compliance with the NIH public access policy, reviewing copyright transfer agreements, contacting journal editors and publishers as needed, and

providing access to important copyright resources such as the Scholarly Publishing and Academic Resources Coalition (SPARC) author addendum or Scholars Copyright Addendum Engine [16, 17]. Libraries can also help bridge mandate compliance by establishing services to directly deposit manuscripts to PubMed Central on behalf of researchers [18, 19].

While faculty also supported the idea of making the results of publicly funded research available to the public, there was a general disconnect between the faculty's understanding of copyright retention and its relationship to their ability to make their results available as mandated by the NIH policy. Previous researchers have speculated that faculty authors do not carefully read publishing agreements [12]. This study provides some evidence regarding faculty copyright practices. As noted, a significant number of faculty respondents in this study reported they usually sign the copyright form as is and do not make any modifications, thereby suggesting that faculty authors could greatly benefit from more education about what rights they can retain under their author agreements.

Moreover, faculty reported that the NIH policy has *not* made them examine their author agreements with publishers more closely. Librarians with expertise in copyright could help faculty to understand the relationships between author agreements, retention of rights, and the ability to comply with the NIH public access policy. The failure of faculty to examine their author agreements raises questions about the policy's impact on such agreements. Future research is needed to investigate if the policy may be having more of an impact on publisher policies, rather than on faculty publishing activities.

Because faculty members may be inadvertently signing away their rights, a key educational need is helping faculty to understand the value of copyright retention and of self-archiving of their publications. In addition, services promoted as helping to ''demystify'' the NIH policy, assisting with compliance issues, and easing faculty workflow might resonate with this audience. Another role for librarians may be policy advocacy at the institutional level, such as working with academic senates, research divisions, administrators, and other stakeholders to promote awareness of open access policies and of the importance of access to scientific research results. Keener and Sarli also suggest disseminating updates about the NIH policy at new faculty and graduate student orientations or journal club meetings [20].

Although these findings provided insight into awareness of the NIH public access policy, the study sample was small and consisted of self-reported data. Research that continues to examine faculty views of open access mandates such as the NIH policy and copyright practices would be useful. To get a complete picture of the NIH policy, attitudes toward the policy and services aimed at supporting the policy developed by both publishers and libraries will need to continue to be examined. To start, it would be especially interesting if similar results on faculty views of open access mandates were found in other institutions, thereby contributing to the reliability of these findings. Equally interesting, research detailing NIH funded researchers' publishing practices, compliance, and understanding of the NIH policy over time could help chart a course for longitudinally measuring the impact of the NIH policy. Future research that also investigates if federal open access mandates are having any impact on publishers' policies, how specific journals convey that they intend to comply, and if faculty expect publishers to adjust their policies could further shed light on the overall impact of federal mandates. In addition, research is needed that examines how library and information professionals are preparing to assume these roles, where supporting roles for NIH compliance are defaulting among institutions receiving NIH funding, and which types of faculty outreach efforts are most effective in shaping faculty behaviors.

CONCLUSION

The main objective of this study was to assess awareness of the NIH public access policy among a sample of faculty receiving NIH funding. In particular, this study examined faculty awareness of the policy, specific challenges of complying with the policy, attitudes about public access to the results of federally funded research, and copyright practices. The NIH public access policy was established in 2008. Despite the amount of time that has passed, confusion among NIH-funded faculty about the policy remains. Given this, these findings offer specific guidance for library and information professionals who wish to support the activities of NIH-funded faculty with the potential to result in service improvements and advance open access scholarship. Librarians may be able to play an important role in working with faculty to unravel the complexities of complying with the mandate, examine author agreements more closely, and make the connection between retaining copyrights and complying with the NIH public access policy.

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