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# Random Ramblings: Barriers in Higher Education to Open Access and Institutional Repositories

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# Random Ramblings — Barriers in Higher Education to Open Access and Institutional Repositories

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*“We have met the enemy and he is us.”*

When was the last time that the vendor held a gun to a librarian’s head to force the selector to subscribe to an expensive online serial package or to the author’s head to sign the copyright release form? In the legitimate push to change the mechanisms for distributing faculty research, I believe that librarians have most often underestimated the complicity of higher education in the current scholarly communication system, however dysfunctional it might be. To me, the scholarly communication system is comparable to book distribution where all parties agree that fundamental change is needed, but none seem to be able to bring it about because the players don’t want to give up any advantages that the current dysfunctional system grants them. Perhaps both journal and book publishing need a few disasters before a new model can emerge. The current economic crisis, whose effects have not yet hit higher education and libraries very hard, may turn out to be the catalyst.

I will discuss some of the barriers, both hidden and obvious, in higher education to implementing an open access model including persuading or requiring faculty to deposit their research in institutional repositories. Among the many factors, I’ve selected the tenure and promotion system, institutional prestige, and copyright.

## The Tenure and Promotion System

In my opinion, the most obvious and powerful barrier to open access is the entrenched tenure and promotion system at most research universities that judges faculty on the number of publications and the prestige of where they get them published. This factor is more important for untenured faculty who must prove to their tenured colleagues and to their university administration that they are worthy enough to keep their jobs. The rules for tenure vary across disciplines from the humanities where the tenure book remains important and single authorship is the norm to the sciences that rely upon large research teams and multiple authors. In fact, I see the science model as the barrier to the very reasonable proposition of changing tenure to a submission of only a few select best works. I have a friend who is a biostatistician who may have her name listed as an author on dozens of articles each year for the important but restricted function of her statistical analysis. The difficulty in getting tenure may also depend in part on how many candidates are available for the job created by a tenure denial. I suspect that disciplines with a shortage of candidates are much more likely to grant tenure to reasonably competent faculty while those with hundreds of potential applicants can impose much higher standards.

The pecking order for print journals is reasonably well established. In the area of librarianship, articles exist that give the opinions of the leaders in field on which journals are more important. Citation analysis provides another evaluation tool. Open access electronic journals, no matter how good they are, present a risk for an untenured faculty member since these journals have not had enough time to establish their reputations and may not appear in the standard indexing and abstracting sources, a fact that then makes it more difficult for these papers to be cited. Review committees may judge institutional repositories even more harshly unless the repository imposes strict gate keeping policies, which are against the goals of most institutional repositories in their efforts to collect a broad spectrum of institutional documents. Furthermore, finding these articles means using special search tools or going deep into the list of **Google** results.

A recent article by **Elaine A. Nowick** (Nowick, Elaine A. 2008. “Academic Rank of Authors Publishing in Open Access Journals.” *Agricultural Information Worldwide* —<http://www.iaald.org/index.php?page=qb.php>, (v. 1, no. 2, pp. 45-51.) appears to provide evidence of an increasing acceptance of open access journals. To quote from the abstract: “There was no indication that pre-tenured faculty avoided Open Access titles. In fact, there was a slight but significant trend for pre-tenured faculty to publish in Open Access journals.” I would submit a counter-hypothesis that non-tenured faculty are desperate enough to get published that they consider open access publication better than nothing but that they would be much happier to get their research published in highly valued print publications. I would be interested if a researcher could ask these questions and get honest answers.

I’ll conclude with a personal example that shows the ironies of the scholarly communication system. Within the last week, I submitted an article in support of open access and institutional repositories to a journal that would not consider publishing it until my co-author and I signed away our copyright.

Research universities could thus do much to foster open access and institutional repositories by changing both the official and hidden tenure, promotion, and salary increment rules to give the same weight to publications in open access publications and to those that are deposited in institutional repositories after some suitable form of review. Right now, I would advise non-tenured faculty to stick with print journals since they will carry the most weight during tenure review.

## Institutional Prestige

The second factor, institutional prestige, is closely linked with the first because research institutions want their faculty to publish in those places that bring prestige to the institution. When I was Interim Dean at **Wayne State University** from 1999-2001, the faculty library committee spent much effort trying to find ways to help foster the open access movement on campus by suggesting to the university administration that the university require faculty to not sign away their copyright. The faculty library committee believed correctly that a university mandate would carry more weight than an individual faculty member’s attempt to retain copyright. The model was the federal government policy that works produced with government support can’t be copyrighted. While the major reason that this initiative died will be discussed in the third section, one university administrator told me directly that he didn’t want the university to take any action that would reduce the number of places where his faculty could publish. He also worried that the faculty would not be able to publish in the high impact journals that would bring prestige to the institution since these journals had their choice of manuscripts and could reject those from authors not willing to sign away copyright with few if any negative consequences for the journal.

I would also claim that **Harvard University’s Faculty of Arts and Science** is taking very few risks in implementing an open access policy because **Harvard’s** reputation is secure. Universities like mine that are hoping to improve their standings in the official statistics such as grants received and in the unofficial pecking order need concrete evidence of their increasing excellence. Getting papers published in journals that reject a high proportion of manuscripts, that have a high impact factor, and that lead to a high level of citations increase this prestige and, with it, the ability to attract superior faculty members. Widespread adoption of open access and institutional repositories might very well help affirm that status quo.

## Copyright

The final barrier to open access and institutional access is probably less well known. Faculty often hold copyright to their research so that their universities can’t force them to support open access or to participate in an institutional repository. **Jessica Litman**, a nationally recognized copyright expert who is now a professor at the **University of Michigan Law School** but was formerly at **Wayne State University**, came to speak to the faculty library committee when it was investigating asking the university to require faculty to retain copyright.

*continued on page 00*

## Random Ramblings

from page 00

According to her, the copyright issue for scholarly publications is much more complex than it appears. Since universities pay faculty salaries to do research and give them time, office space, clerical help, and sometimes financial support to write their publications, universities could and sometimes do make the case that the university owns their publications as a work for hire. Many faculty, however, don't accept this principle. I have a colleague who won't even consider this possibility when the issue comes up and argues vociferously that he owns the copyright since he wrote the work. According to **Ms. Littman**, one-third of American universities claim copyright at least theoretically, one third give up any claims to copyright, and one third are silent. Universities have been much more vigilant about ownership of patents because patents can be worth an enormous amount of money while financial reward for scholarship is minimal. The situation is even murkier because the courts have not decided the underlying issue of who owns copyright for faculty publications.

The issue then becomes whether the university or a faculty body can force faculty and staff to deposit their publications in an institutional repository or to avoid signing any copyright

agreements that don't provide the possibility of open access. In fact, I would be quite curious to learn what will happen to **Harvard** faculty who continue to publish in journals that require signing away their complete copyright. In my own institution, **Wayne State University**, the union contract explicitly gives copyright to the faculty except in a few uncommon cases where the university commissions the publication. To force faculty to retain partial copyright or to deposit their publications would require a change in this contract. I have speculated that the administration decided not to ask for these changes because doing so might have required an equivalent concession to the union for a revision where the administration was already ambivalent.

Even where the university claims copyright ownership, the claim has been more theoretical than real. Many faculty are quite happy with the current system since they have been successful in getting their works published and see no reason to take on additional burdens to help reduce the costs of the library's acquiring journals. Since happy faculty are most likely more important than happy librarians, I doubt the many university administrations will force the issue. At best, some universities are paying the open access fees and encouraging faculty to deposit their publications in the institutional repository. I await learning whether other faculties follow **Harvard's** lead.

## Concluding Thoughts

The obstacles to open access and institutional repositories are not so much "out there" as within the policies, practices, and culture of research institutions. I find it hard to fault publishers who maximize their profits by finding willing authors to sign over their copyright and willing libraries to buy the resulting publications. The winners in the current system, whether university administrators or faculty, need incentives to change. The current economic mess may provide such a prod if the alternatives to savings from open access and institutional repositories are fewer faculty positions, greatly reduced library holdings, or cuts in the departmental travel budget. While I realize that many other issues that I haven't touched in this short essay are needed to give a full analysis of the forces that inhibit changes in scholarly communication, I feel that I can safely say that "we have met the enemy and he is us." 🌿