

Research libraries in a zero embargo environment: preparing for agency policies under the Nelson Memo

Judy Ruttenberg

Senior Director of Scholarship and Policy


November 14, 2023



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

August 25, 2022

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Dr. Alondra Nelson 
Deputy Assistant to the President and Deputy Director for Science and Society
Performing the Duties of Director
Office of Science and Technology Policy (OSTP)

SUBJECT: Ensuring Free, Immediate, and Equitable Access to Federally Funded Research

This memorandum provides policy guidance to federal agencies with research and development expenditures on updating their public access policies. In accordance with this memorandum, OSTP recommends that federal agencies, to the extent consistent with applicable law:

1. Update their public access policies as soon as possible, and no later than December 31st, 2025, to make publications and their supporting data resulting from federally funded research publicly accessible without an embargo on their free and public release;
2. Establish transparent procedures that ensure scientific and research integrity is maintained in public access policies; and,
3. Coordinate with OSTP to ensure equitable delivery of federally funded research results and data.

August 25, 2022

Free, Immediate, Equitable

Without an embargo on
their free and public
release

All funding agency plans need to be completed and submitted to OSTP by December 31, 2024, with an effective date of no later than December 2025.

Research libraries

- (1) engage with funders as they develop policies for their grantees
- (2) work with stakeholders within their institutions (and research enterprise) to prepare for implementation
- (3) take steps to realize the full benefit of free, immediate, and equitable access to funded research.

The ...guidance issued by OSTP does not make any attempt to define, change, modify, or otherwise address US copyright law.

...Requiring researchers and their institutions to make work available as a condition for receiving federal funding concerns contract law, and is consistent with US copyright law.

Engaging with Funders

ARL recommends that agencies provide rights-retention language (for investigators to use upon submission of manuscripts to journals) that encourages authors to retain their copyrights and assign a Creative Commons Attribution (CC BY) or similar license to their work in order to enable full reuse rights.

Recommendations for agency plans

- Accessibility for people with print disabilities
- Administrative burden
- Rights Retention
- Monitoring costs
- Persistent Identifiers
- Institutional Repositories

Monitoring Costs

ARL recommends:

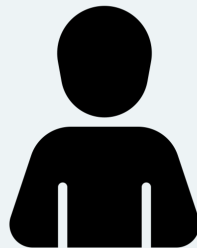
- Surveying researchers/institutions at closeout for additional information on publication costs
- Monitoring publication trends across formats
- Reviewing publication costs of journal titles that [agency] researchers publish in

Persistent Identifiers



Created by Rffor
from Noun Project

DOI



Created by Nice Design
from Noun Project

ORCID



Created by Gerald Wildmoser
from Noun Project

ROR

Institutional Repositories

Allow researchers to deposit public-access versions of their manuscripts in institutional repositories. Much like federal repositories, institutional repositories, and in particular those supported by research libraries, have made significant commitments and investments in making accessible and preserving the intellectual outputs of their institutions.

Working with institutional stakeholders

Open dissemination of research is part of
the cost of doing research

Taking steps to realize the memo's potential

- Connecting societies with university presses
- Encouraging models like Subscribe to Open
- Investing in Diamond or no-fee publications
- Repositories and repository networks

Investments in Open

Association of Research Libraries US University Member Expenditures on Services, Collections, Staff, and Infrastructure in Support of Open Scholarship

Cynthia Hudson Vitale and Judy Ruttenberg

November 2022

www.arl.org/reports

US Member Expenditures on Services, Collections, Staff, and Infrastructure in Support of Open Scholarship (2022)

Category of Investment	Portion
Read-and-publish or transitional agreements	64%
Institutional repository services	18%
Non-APC-based OA publishing models	10%
Article processing charges (APCs) or OA funds	4%
OA journal hosting and publishing services, and open monographs	4%

Author's Alliance @ authorsalliance.org



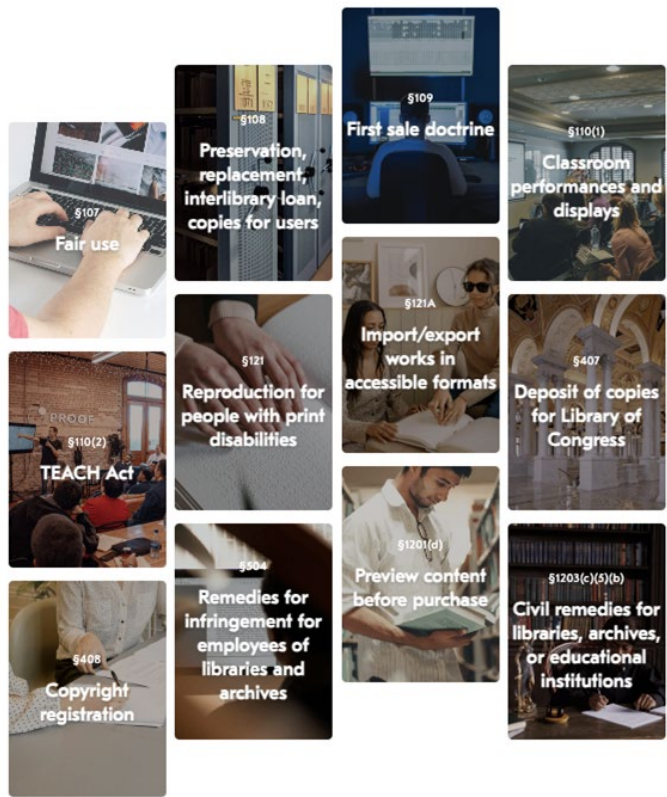
[ABOUT](#) [ISSUES](#) [RESOURCES](#) [A2P2](#) [NEWS](#) [JOIN](#) [DONATE](#)

Empowering authors in the digital age.

[LEARN MORE ABOUT US](#)

 Martin Adams

ASSOCIATION
OF RESEARCH
LIBRARIES



Know Your Copyright s



Contract Preemption Issues and Strategies

Contract terms purport to prohibit activities that otherwise would be permitted under the Copyright Act. This discussion draft focuses on the question of contract preemption, or the idea of whether copyright law prevails over contract terms when the two conflict. The paper lays out a statement of the problem faced by libraries, and a series of potential strategies for ARL and its member institutions to consider.

Thank you!

judy@arl.org

www.arl.org