

To: Deans, Directors, Department Chairs and Administrative Officers

Re: Preliminary Guidance about NIH Public Access Policy

We are writing to alert you to a new policy that will affect investigators who receive NIH research support. While NIH previously requested that manuscripts that arise from research funded by the NIH be deposited in PubMed Central (PMC), the NIH digital archive of full-text journal articles, under a change to NIH policy, this will now be *required*. Authors of these articles must ensure that any copyright transfer agreements they sign with commercial publishers fully comply with this policy. NIH will also require that investigators cite the PMC identification number in future applications and reports. Failure to do so may impact future NIH support.

Making the results of federally-funded research publicly accessible is important not only to NIH, but also to achieving UCLA's mission as a public research university to create and disseminate knowledge for the betterment of our global society through commitment to academic freedom including open access to information. While the public benefit of this policy is clear, we recognize that compliance with this new policy will require some additional work for faculty researchers and authors. We are working together to provide assistance to UCLA faculty researchers and to ensure campus compliance with the new policy.

The new NIH requirements in brief:

- The revised policy applies to all peer-reviewed articles that arise from research funded partially or fully by the NIH under grants awarded on or after October 1, 2007, or contracts issued on or after April 7, 2008, that are accepted for publication on or after April 7, 2008.
- The final peer-reviewed manuscript (including graphics and supplemental materials associated with the article) must be submitted no more than twelve (12) months after the official date of publication into PMC. PMC is publicly accessible and integrated with other databases (see: <http://www.pubmedcentral.nih.gov/>).
- Beginning May 25, 2008, all applications, proposals or progress reports submitted to the NIH must include the PMC or NIH Manuscript Submission reference number in citing applicable articles that arose from NIH funding and that are covered by the policy.
- Publication costs, including author fees may be charged to NIH grants and contracts provided that the following three conditions are met: (1) such costs incurred are actual, allowable, and reasonable to advance the objectives of the

award; (2) costs are charged consistently regardless of the source of support; (3) all other applicable rules on allowability of costs are met.

- Compliance with the policy is mandatory for NIH grants, cooperative agreements and R+D contracts.

As University of California policy allows faculty to individually copyright scholarly works, UCLA investigators are responsible for ensuring that they preserve the right to deposit affected articles in PMC. Under the new NIH policy, investigators must:

- Make sure that any publication or copyright agreement allows them to submit the manuscripts to NIH under this Public Access Policy;
- Ensure that the article is submitted to the NIH either by the journal, by personally submitting it or by having someone else within their organization submit it; and
- Include the PMC reference number in all NIH proposals, applications and progress reports submitted after May 25, 2008.

We are in the process of gathering resource materials for distribution to investigators about this new NIH requirement. These resources include a list of publishers who have agreed to automatically submit articles to PMC on behalf of the authors. (See: http://publicaccess.nih.gov/submit_process_journals.htm) For investigators who wish to submit articles to publishers that are not on this list the investigator must explain the necessity of complying with the NIH policy to the publisher. William Tucker, Executive Director of UC, Research Administration and Technology Transfer has prepared a letter that authors may attach to their manuscript submission explaining the NIH requirement. (See: <http://www.ucop.edu/raohome/cgmemos/08-05a.pdf>). The letter advises publishers that if accepted for publication, the article will be required by law to be posted on PMC. If this letter is not sent to the publisher at the time the article is submitted for review, it should be sent along with any publication/copyright agreement signed by a UC investigator.

UCLA is taking a multi-pronged approach to addressing compliance with this NIH policy and to support our NIH-funded researchers and authors. To that end:

- The UCLA Library has staff available to assist funded researchers and authors with modifying author agreements. Questions should be addressed to the eScholarship Coordinator at nih@library.ucla.edu.
- Additionally, the Library is developing workshops about modifying author agreements for funded researchers. Dates and other details will be announced soon.
- We will be developing a set of FAQs that will augment those that are posted on the NIH website (see: <http://publicaccess.nih.gov/FAQ.htm>).

- The Office of Intellectual Property will be working with the UCLA journals to ensure that they facilitate compliance.

For additional information on the “Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research,” see:

<http://publicaccess.nih.gov>.

General questions about how UC is complying with the NIH policy should be addressed to Ann Pollack, Assistant Vice Chancellor for Research, at 310-794-0387 or apollack@research.ucla.edu. We will provide additional updates as information becomes available.

Sincerely,

Kathryn Ann Atchison
Vice Provost of Intellectual
Research & Industrial
Relations

Roberto Peccei
Vice Chancellor for Research

Gary E. Strong
University Librarian