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The American Library Association (ALA) and the Association of College and Research Libraries (ACRL) have long supported initiatives that seek to make federally funded research openly accessible to the public. As such, we applaud the Department of Education’s proposed rule for “[Open Licensing Requirement for Direct Grant Programs](#)” (proposed § 3474.20) which would amend regulations so that all Department grantees who are awarded direct competitive grant funds are required to openly license content to the public. This is an important step towards making curricular resources more readily accessible to our campus communities. We recognize that some concerns have been raised by members of the higher education community. As the Department reviews comments concerning this proposal to amend its regulations, there is great value in engaging in continued dialog with the higher education community to ensure that any concerns that may arise can be discussed and/or addressed.

In addition to these general comments, we offer responses to the specific questions you raised in the notice:

“Should the Department require that copyrightable works be openly licensed prior to the end of the grant period as opposed to after the grant period is over? If yes, what impact would this have on the quality of the final product? ”

Immediate availability is always preferred. Other fields perform in a similar way; arXiv is a preprint server used by a number of disciplines. It is traditional for researchers to deposit their work there prior to formal publication. Doing so has not hindered the more formal process, and actually increases the quality of the final product thanks to public peer review. Also, immediate availability could be seen as a way for a researcher to “plant a flag” on the ground of a research topic - increasing her profile and impact from the start.

“Should the Department include a requirement that grantees distribute copyrightable works created under a direct competitive grant program? If yes, what suggestions do you have on how the Department should implement such a requirement? ”

Yes, there should be a requirement to ensure public access, accompanied by some flexibility in terms of how grantees may comply. For example, the Department could develop a repository to which grantees can deposit their work, while also allowing for deposit in a university institutional repository as another method of compliance. Other federal agencies that have released public access policies can offer guidance on issues such as licensing of content, and allowable embargo periods. Any embargo periods should be as short as possible, and ideally

there would be no embargo period in order to facilitate immediate public access for maximum public benefit.

“What further activities would increase public knowledge about the materials and resources that are created using the Department's grant funds and broaden their dissemination?”

There are a number of tools that already exist, or that are being built to better alert the public and the research community to the existence of new publications and data sets. We recommend engaging with these initiatives (for example, SHARE - SHared Access Research Ecosystem) as opposed to spending resources creating your own.

“What technical assistance should the Department provide to grantees to promote broad dissemination of their grant-funded intellectual property? ”

Repository development would ensure a single location for all grant-funded work. Open metadata in standard schema will encourage interoperability other systems, including those to market and share the research. Building APIs in order to make it easy to interact with the data and publications. A preference for non-proprietary file formats (example: XML over PDF) will better support preservation of the content for the future.

“What experiences do you have implementing requirements of open licensing policy with other Federal agencies? Please share your experiences with these different approaches, including lessons learned and recommendations that might be related to this document. ”

ACRL members are heavily involved in implementing services at college, university, and research libraries that support public access policies from granting agencies. Examples of lessons learned include: limiting, or ideally, eliminating embargo periods; requiring open licenses such Creative Commons Attribution License (CC BY) that enable a wide range of reuses of the content; use of ORCIDs to ease disambiguation; and allowing for deposit into a university institutional repository as a form of compliance.

About ALA and ACRL

The American Library Association is the oldest and largest library association in the world, with more than 58,000 members in academic, public, school, government, and special libraries. The mission of the American Library Association is to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

The Association of College & Research Libraries is the higher education association for librarians. Representing nearly 11,500 academic and research librarians and interested individuals, ACRL (a division of the American Library Association) develops programs, products and services to help academic and research librarians learn, innovate and lead within the academic community. Founded in 1940, ACRL is committed to advancing learning and transforming scholarship.