



## Office for Scholarly Communication

### Open Access Policy Guidelines

#### Complying with the Policy

In order to comply with Harvard's Open Access Policy, faculty authors should

- [Always deposit each article \(/dash/deposit\)](#) in [DASH \(http://dash.harvard.edu\)](http://dash.harvard.edu).

If possible, you should deposit the [author's final manuscript \(#manuscript\)](#) of your article in the DASH repository whether or not you included the addendum or the publisher accepted it. Even if you had the license [waived \(#waiver\)](#), you should still deposit the article; it can be made available immediately or after a delay or kept "dark" depending on the publication agreement.

To avoid a conflicting transfer of copyright to the publisher and to protect yourself from breach of contract, we recommend that you

- Use the [addendum generator \(/authors/addendum/generate\)](#) to prepare an "[author addendum \(/authors/amend\)](#)" to attach to the agreement with a publisher.

If the publisher will not accept the addendum or will not publish the article if it is subject to the Open Access License, you can always

- [Request a waiver \(/authors/waiver\)](#) of the Open Access Policy.

#### Frequently Asked Questions

##### Is the university taking the rights to my writing?

No. Faculty authors still retain ownership and complete control of the copyright in their writings, subject only to Harvard's prior, nonexclusive license. You can exercise your copyrights in any way you see fit, including transferring them to a publisher if you so desire. (However, if you do so, Harvard would still retain its license and the right to distribute the article from its repository. Also, if your article arises, in whole or in part, from NIH-funded research and was accepted for publication after April 7, 2008, you must retain sufficient rights to comply with [NIH \(#NIH\)](#)'s Public Access Policy.)

##### Does the policy apply to articles I wrote before the policy was adopted?

No, it doesn't apply to any articles that were completed before the policy was adopted, nor to any articles for which you entered into an incompatible publishing agreement before the policy was adopted. The policy also does not apply to any articles you write after leaving Harvard.

##### Does the policy apply to co-authored papers?

Yes. Each joint author of an article holds copyright in the article and, individually, has the authority to grant Harvard a non-exclusive license. Joint authors are those who participate in the preparation of the article with the intention that their contributions be merged into inseparable or interdependent parts of the whole.

If you are one of multiple authors of your article, you should inform your co-authors about the nonexclusive license in the article that you have granted Harvard under the Open Access Policy. If they object to the license and cannot be convinced it is beneficial, you should direct that a waiver for the article be granted.

##### What is an "author's final manuscript"?

A final manuscript is the last document that you send the publisher, after the completion of the peer

review process.

Even though this document might be almost identical to the published version of the paper, your manuscript is typically treated differently than the published version for purposes of licensing and copyright.

A final manuscript is sometimes referred to as a “post-print.” It shouldn’t be confused, however, with a “page proof.” Unlike a manuscript, the page proof is a document produced by a publisher for your review just prior to publication.

### **What if a journal publisher refuses to publish my article because of this prior license?**

You have a number of options. One is to [obtain a waiver \(/waiver\)](#) of the license under the policy. Alternatively, you can work to persuade the publisher that it should accept Harvard’s non-exclusive license in order to be able to publish your article, or seek a different publisher. You can consult with the Office for Scholarly Communication for help in the process of working with publishers and addressing their specific concerns.

### **What is an author addendum?**

An “author addendum” is a simple legal tool. The typical addendum is a short document, used to amend the agreement issued by a publisher. For more information on author addenda, visit the section of our site dedicated to [amending your publishing agreement \(/amend\)](#).

### **How do I request a waiver of the Open Access Policy?**

To request a waiver, simply use the [Waiver Generator \(/authors/waiver/generate\)](#) and supply the information requested there. A formal letter notifying you of the waiver of the policy will be sent back to you at the address you provide.

Even if you are required by a publisher to waive the Open Access Policy as a condition of publication, chances are you can still make your article publicly available in the Harvard repository, as explained further below. Thus, whether your article is under a waiver or not, you should still deposit the final manuscript in DASH.

Although you may waive the application of the Open Access Policy to your article, if your peer-reviewed article is subject to the NIH Public Access Policy because it arose, in whole or in part, from NIH-funded research and was accepted for publication on or after April 7, 2008, your obligations under the NIH policy cannot be waived. For more information, please see [here \(#NIH\)](#).

### **Should I include my article in the Harvard repository even if I have gotten a waiver for it?**

Yes. The repository accepts not only articles covered by the license granted to Harvard under the Open Access Policy, but also articles not covered by the license.

Even if you take a waiver, the publisher’s agreement may provide, or you may be able to negotiate, sufficient rights to allow copies of your article to be made publicly available in the Harvard repository. The publisher may ask that certain conditions be met, some of which the repository can accommodate (for example, an embargo period during which the article will not be made publicly available). Information about publishers’ standard policies on open access is available from the [SHERPA/RoMEO project \(http://www.sherpa.ac.uk/romeo/\)](#) (though Harvard has not verified the accuracy of that information).

Further, even if your article cannot be made publicly available, you are encouraged to deposit a copy in the repository under the “metadata only” option, which stores a copy in the repository for archival purposes and provides bibliographic information that can be included in an online index of scholarly articles by Harvard members. The bibliographic information will be made available for broad harvesting and indexing by search engines, in order to increase awareness of your article. This will enable your article more readily to be found, even if a copy cannot be made available to others through the repository.

### **Should I take the license to Harvard into account if I am seeking permission from a third**

**party to incorporate the third party's material (such as, for example, an image) in the published article?**

Yes. If you conclude the third-party material cannot be incorporated in your article under fair use, and you therefore are seeking permission to use it, the permission should allow the material to be used as part of the article in all forms and media, including, without limitation, in publicly accessible electronic repositories.

**What if my article is also subject to the NIH Public Access Policy?**

Your article will also be subject to the NIH Public Access Policy if it is peer reviewed and arose, in whole or in part, from NIH-funded research and is accepted for publication on or after April 7, 2008.

Unlike the Open Access Policy, the NIH policy is mandatory and cannot be waived. As part of the University's compliance strategy for the NIH policy, NIH-funded investigators will grant Harvard a limited, nonexclusive license to use the investigators' articles to comply with the NIH policy, and to authorize NIH to use the articles and make them publicly available in accordance with the NIH policy. This is separate from the license granted under the Open Access Policy. The license granted to Harvard under the Open Access Policy includes rights sufficient to comply with the NIH policy, but also provides other nonexclusive rights that will enable Harvard and faculty authors to use their articles in additional ways—for example, including them in a Harvard repository.

If an NIH-funded article is covered by the Open Access Policy, you therefore should use the addendum generator. However, if you or another faculty author have requested or plan to request a waiver of the Open Access Policy for the article, you should use the NIH addendum Harvard has developed, or another form of addendum that reserves, at minimum, the rights under copyright necessary to comply with the NIH Public Access Policy. Though you may elect to obtain a waiver of the Open Access Policy for an article, you must reserve rights sufficient to comply with the NIH policy when you enter into a publication agreement for the article. For more information on the NIH addendum and compliance with that policy, please see the Harvard web site dedicated to the NIH Public Access Policy.

**Can my articles be used as the basis of derivative works?**

Yes, the license allows Harvard to permit you and others to make derivative works based on articles that fall under the open access policy. However, Harvard would only exercise this right in order to advance the aims of the policy.

Harvard recognizes authors' interest in the integrity of their scholarly articles. It is difficult to foresee the many derivative works that may occur in the future: Harvard may use derivative work rights to include articles in a collection or database, to change document formats, to prepare abridgments, or to create other derivative works that we cannot currently foresee. Despite these many possibilities, Harvard will not allow derivative works that misrepresent the substance of an article.

Furthermore, if Harvard allows the display or distribution of any derivative work that modifies the substance of the original document (e.g., an abridgment), it will require that the derivative work include a citation, hyperlink or similar reference to the original document and that it appropriately identify the nature of the revision (e.g., "abridged from \_\_\_\_").

As technology and modes of distributing and using scholarly content evolve, it may serve the open access goal for Harvard to adjust the derivative work rights granted to the public. In any such decisions, the Office for Scholarly Communication will be guided by its faculty committee, which will consider not only the aims of the open access policy but also the interests of faculty authors.

**Does this web site provide legal advice to me?**

No, this web site provides information and resources to help faculty members and others understand the Open Access Policy and to assist in compliance, but does not provide individual legal advice. The Office for Scholarly Communication and its staff also are not able to provide individual legal advice. If

you wish legal advice about your copyrights or individual situation, you should consult your own attorney.