

## Overview of NIH Public Access Policy

The NIH Public Access Policy requires that published NIH funded research be freely accessible to all in order to advance science and improve human health.

All NIH funded investigators are required to submit, upon acceptance for publication, an electronic version of their final peer-reviewed manuscript to NIH's PubMed Central (<http://www.pubmedcentral.nih.gov/>) to be made available no later than twelve (12) months after the official publication date. Anyone submitting an application, proposal, or progress report to NIH must link to My NCBI to report publications and must include the PubMed Central reference number (PMCID) when citing articles that arise from their NIH funded research.

### **Do Not Confuse *PubMed Central* with *PubMed***

*PubMed* is a private repository of citations and abstracts from thousands of journals that requires a paid subscription in order to access full articles. These entries are indexed with a PMID number.

*PubMedCentral* is a repository of full-text journal manuscripts that is available to the public free of charge. Papers filed in PubMedCentral are indexed by a PMCID number.

### **I. Who Must Comply?**

Beginning with FY 2008, the Policy applies to any investigator whose peer-reviewed article is based on work directly funded by an NIH grant, contract, or cooperative agreement. The policy does *not* apply to non-peer reviewed materials such as correspondence, book chapters or editorials.

It is the corresponding author's regulatory responsibility to deposit all NIH-funded journal articles to PubMed Central; however, any co-author with access to the eRA Commons and an NIH grant supporting the research may submit the article.

#### **What about articles that are based on research funded before FY 08?**

Submission is not required for articles based on research funded prior to 2008. Even if an investigator has a continuing competing renewal that is currently active, an article based on work funded during the previous competitive segment of the grant *prior* to October 1, 2007 does not have to be submitted.

#### **What about articles that are only partially funded by NIH?**

This Policy applies to all peer-reviewed journal articles that arise from any amount of direct cost funded by NIH, regardless of the source or amount of other funding.

**Are investigators responsible for articles that arise from their NIH funded projects for which they are not authors?**

Yes. Principal Investigators should insure that authors comply with the NIH Public Access Policy for articles arising directly from their awards, even if they are not authors or co-authors of the publications.

**II. How Do Investigators Comply with the Policy?<sup>1</sup>**

Investigators have four specific tasks under the NIH Public Access Policy:

- Protect his/her copyright in the article submitted to the publisher;
- Be sure that the article is deposited to PubMed Central within twelve (12) months of its publication by the publisher;
- Ensure My NCBI account is updated to include all appropriate articles; and
- Use My NCBI to report publications to NIH

**A. Protecting the Copyright**

**What is a copyright?**

Authors generally have legal ownership rights to their works, known as copyrights. However, when an author submits an article to a journal or other publisher for publication, s/he is often required to assign copyright to the publisher or a non-exclusive copyright to the work. If the copyright assignment is exclusive, then only the publisher can distribute, or provide copies of the article.

An author may submit an article to the journal of his or her choice, making sure that any agreement signed with the publisher complies with the Public Access Policy; i.e. allows the author to submit the article to PubMed Central. Authors should avoid signing any agreements with publishers that prevent compliance with the Policy. The Policy does not affect the ability of the author, the author's institution, or the publisher to assert copyright ownership

**What should authors do when submitting an article to a journal or other publisher for review?**

Authors should inform the publisher that the article is subject to the NIH Public Access Policy, and as a result, a peer-reviewed final copy of the manuscript must be deposited with PubMed Central within twelve (12) months of publication of the article by the journal. Authors should refuse to sign any publishing agreement that prohibits the author from depositing the article with PubMed Central.

In order to assert their rights with the Publisher, Authors should

- a. Notify the Publisher at Submission:** Authors should include the following or similar language in the email or cover letter that accompanies the article submission to the publisher:

*“This Article has arisen, in whole or in part, from direct costs funded by the National Institutes of Health (“NIH”), and is subject to the NIH’s Revised Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded Research, NOT-OD-08-033 (the “Policy”).*

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<sup>1</sup> Please be aware that other institutions have approached compliance with this requirement in different ways. If you submit grants directly to Harvard Medical School, or MIT, please review their policies and processes necessary to comply with the NIH Public Access Policy.

*As a result, Author retains the right to provide a copy of the final peer reviewed manuscript to the National Library of Medicine's PubMed Central upon acceptance for Journal publication, for public archiving as soon as possible but no later than 12 months after publication by Journal." If this not acceptable to the Journal, it must immediately notify the Author, who will withdraw the article for review from the Journal."*

**b. Insert an Addendum to the Publication Agreement.** When the Publisher accepts the article for publication, it will require the Author to sign a publication agreement. The publication agreement between the Publisher and the Author often includes restrictive language assigning the publisher exclusive rights to the article's copyright. The Author **MUST** add an addendum to the publication agreement to protect the investigator's right to submit the final peer-reviewed manuscript to PubMed Central. A model addendum for all investigators to use is attached.

## **B. Submitting the Published Article to PubMed Central**

Some journals will automatically submit published articles that are subject to the NIH Public Access Policy directly to PubMed Central within twelve (12) months of publication. However, not all journals will perform this service for authors, or deposit the articles within the Policy's required timeframe. Moreover, some journals will only allow authors to submit the final peer reviewed version of the article originally submitted to the journal, not the version that includes the journal's edits or copyright. While this position allows authors to comply with the Policy, it can complicate the process of submitting the journals to PubMed Central.

There are four possible scenarios through which an article is submitted to PubMed Central. In the first case, authors do not have to take any action to deposit the article with PubMed Central. In the other three, authors do have to take certain actions:

- 1. Journal deposits final published article and makes it available within twelve (12) months.** If the journal deposits the final published article in PubMed Central and allows NIH to make it available to the public within twelve (12) months of publication, the authors do not have to do anything to fulfill the submission requirement of the NIH Public Access Policy. For a list of these journals, see [http://publicaccess.nih.gov/submit\\_process\\_journals.htm](http://publicaccess.nih.gov/submit_process_journals.htm)
- 2. Journal deposits final published article but does not make it available within 12 months.** If the journal deposits the final published article in PubMed Central, but delays its release to the public for more than 12 months after publication, the author must deposit a copy of the final peer reviewed manuscript, including all graphics and supplementary materials within 12 months to the NIH Manuscript Submission system (<http://nihms.nih.gov>)
- 3. Journal deposits final peer-reviewed manuscript.** If the journal only deposits a copy of the final peer-reviewed manuscript files via the NIH Manuscript Submission system, the author must sign on to the NIH Manuscript Submission system to review and approve release of the article to PubMed Central.
- 4. Journal does not deposit either the final published article or the peer-reviewed manuscript.** If the journal does not deposit either the final published article or the peer-reviewed manuscript, the author must submit the final peer-reviewed manuscript, including all

graphics and supplementary materials within twelve (12) months to the NIH Manuscript Submission system (<http://www.nihms.nih.gov>). For example, JAMA will not submit the published article for investigators, but, after 6 months, it will allow investigators to upload the final peer-reviewed manuscripts directly to PubMed Central.

### **C. Using My NCBI and Citing the Article**

Overall, the NIH will now require that an investigator's Research Performance Progress Report (RPPR) report publications via a Commons linked My NCBI account. The RPPR's publication section will pre-populate publications based on the investigator's My NCBI account and the investigator simply needs to select those publications associated with the progress report. Investigators submitting a paper progress report will need to submit a My NCBI generated pdf list of publications.

When citing an article in NIH applications, proposals, and progress reports that falls under the Policy, and was authored or co-authored by the investigator, or arose from an investigator's NIH award, the investigator must include the *PubMed Central reference number* (PMCID).

For more detailed information about using My NCBI:

[http://www.ncbi.nlm.nih.gov/books/NBK53595/#mybibliography.Checking\\_your\\_Publication](http://www.ncbi.nlm.nih.gov/books/NBK53595/#mybibliography.Checking_your_Publication)

### **III. Where Can Investigators Get More Information and Assistance?**

We welcome your questions and suggestions for how we may help you comply with the NIH Public Access Policy. Each institution will be providing additional training on the Public Access Policy and My NCBI. Look for training announcements via e-mail or check your institutional library for training sessions or 1:1 counseling.

If you have any questions about this memo and attachment, please do not hesitate to contact us or your institution's librarian, Research Compliance Office, or Research Administration Office for those institutions without a research compliance officer. If you have any questions about submission of Progress Reports, including the new RPPR, please contact your department's Pre-award Grant Administrator.

#### **Brigham & Women's Hospital:**

Library: Anne Fladger, 617-525-6787, [afladger@partners.org](mailto:afladger@partners.org)

Research Compliance: Allison Moriarty, 617-732-8335, [apmoriarty@partners.org](mailto:apmoriarty@partners.org)

#### **Massachusetts General Hospital:**

Treadwell Library: Please submit your questions to [Ask a Librarian](#)"

<https://www2.massgeneral.org/library/ask.asp>

Research Compliance: Mary Gervino, 617-643-6126, [mgervino@partners.org](mailto:mgervino@partners.org)

#### **McLean Hospital:**

Mental Health Sciences Library: Pam Hastings, 617-855-2460,

[phastings@mclean.harvard.edu](mailto:phastings@mclean.harvard.edu)

Research Administration: Raquel Espinosa, 617-855-2868,  
[respinosa@partners.org](mailto:respinosa@partners.org)

**Spaulding Rehabilitation Network & IHP:**

The Doris K. Barber Memorial Library: John M. Solomon, 617-952-5161,  
[jmsolomon@partners.org](mailto:jmsolomon@partners.org)

Institute of Health Professions Library: Jessica Bell, 617-643-5714,  
[jbelle@mghihp.edu](mailto:jbelle@mghihp.edu)

Research Administration: Roberta C. Nary, 617-952-6178, [rnary@partners.org](mailto:rnary@partners.org)

**Partners HealthCare System:**

Research Compliance: Mary Mitchell, 617-954-9597, [mmitchell14@partners.org](mailto:mmitchell14@partners.org)

**Helpful Web Sites**

- NIH's Public Access Policy Web Site (<http://publicaccess.nih.gov/index.htm>) contains in-depth information on the Policy and how investigators can comply with it.
- Information about how to use My NCBI: [http://www.ncbi.nlm.nih.gov/books/NBK53595/#mybibliography.Checking\\_your\\_Publication](http://www.ncbi.nlm.nih.gov/books/NBK53595/#mybibliography.Checking_your_Publication)
- NIH FAQ on the Public Access Policy: <http://publicaccess.nih.gov/FAQ.htm#c6>