

TITLE: National Institutes of Health Public Access Policy

DESCRIPTION

The U.S. Congress passed the Consolidated Appropriations Act 2008, PL-110-161. In Division G, Title II, Section 218 of the law, it states:

The Director of the National Institutes of Health [NIH] shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.

This statutory requirement became effective April 7, 2008. This policy applies to all Creighton University researchers whose peer-reviewed article is based on work in one or more of the following categories:

1. Directly funded by an NIH grant or cooperative agreement active in Fiscal Year 2008 (October 1, 2007 to September 30, 2008) or beyond
2. Directly funded by contract signed on or after April 7, 2008
3. Directly funded by the NIH Intramural Program
4. If NIH pays the researcher's salary.

This law requires compliance with the following issues:

1. **On or after April 7, 2008**, submission of peer-reviewed manuscripts upon acceptance to Pubmed Central, which requires copyright permission from the publisher.
2. **Effective on and after May 25, 2008**, submission of PubMed Central or NIH Manuscript System ID numbers for citations in proposals or reports to NIH.
3. **Effective May 2013**, the NIH will delay processing of non-competing continuation grant awards if publications arising from that award are not in compliance with the NIH public access policy. The award will not be processed until recipients have demonstrated compliance.

This law applies to:

- All peer-reviewed journal articles accepted for publication on or after April 7, 2008, that result, in whole or in part, from the direct costs of NIH-funded

grants, contracts, or collaborative agreements, whether prime awards or sub-awards.

- Peer-reviewed journal articles, whether or not the journal is indexed in MEDLINE (i.e., PubMed Central or Ovid).
- The final peer-reviewed manuscript, including all graphics and supplemental materials associated with the article

It does not apply to:

- Books
- Book chapters
- Editorials or correspondence
- Non-peer-reviewed articles
- Articles in trade magazines
- Multimedia or other type of publications

RESPONSIBILITY

Creighton University authors shall ensure that all agreements with journal publishers allow submission of the author's manuscript to PubMed Central.

PROCEDURE/PROCESS

When a researcher is ready to submit an article to a publisher, he/she shall follow these steps:

1. Check the [Health Science Library's web site](#) for a list of journals and publishers and their policies for complying with the NIH policy and submitting manuscripts automatically for authors.
2. When submitting an article to a publisher, also send the [publisher submission letter](#)s. The letter notifies the publisher that the research reported in the manuscript is subject to the NIH policy and that acceptance of the publication will require compliance with the NIH policy.
3. Review the publishing agreement sent by the publisher before signing it to ensure there is a clause that allows submission of the manuscript to PubMed Central. If a researcher cannot determine whether the agreement permits submission, he/she should contact either Sponsored Programs Administration or the Creighton University Health Sciences Library to help review the contract.
4. If the publisher's agreement does not contain a provision that clearly states the publisher will submit the article to PubMed Central or that permits the researcher to submit the article to PubMed Central pursuant to the NIH policy, the researcher must follow *one* of the two options below:
 - a. BEFORE signing the contract, notify the publisher and request that the following clause be added to the main agreement:

The Journal acknowledges that Author retains the right to provide a copy of the final manuscript to the NIH upon acceptance for Journal publication, for public archiving in PubMed Central as soon as possible, but no later than 12 months after publication by Journal.
OR

- b. If the publisher will not allow the additional clause to be added to the contract, request that the [Additional Term to Confirm NIH Public Access Deposit](#) document be signed. This document must be signed by both parties to the main agreement.

Do not sign the publishing agreement unless the publisher includes the additional clause in the main agreement or confirms that it will sign the Additional Term document.

5. Do not sign a publishing agreement that does not clearly state that either the publisher will submit the article to PubMed Central or permits the researcher to submit. As above, contact Sponsored Programs Administration or the Creighton Health Sciences Library for assistance with the publishing agreement.

Submission of Final Peer-Reviewed Manuscript

The final peer-reviewed manuscript must be deposited upon acceptance into PubMed Central.

Researchers should check first to see whether the publisher will submit a version of the manuscript on their behalf. Lists of publishers are available on the [NIH Public Access web site](#) or the [Creighton University Health Sciences Library web site](#).

If the publisher does not submit the manuscript on the researcher's behalf, the researcher should integrate this process into the publication process.

- Use the final peer-reviewed version, making sure all edits made during the review process are included.
- Do *not* use the PDF of the final published journal article unless the publisher has given permission in the publishing agreement.
- Submit the final draft version of the manuscript to PubMed Central through the NIH Manuscript Submission system (NIHMS). Researchers have three options for submitting the manuscript. They may:
 - Submit it themselves using the NIHMS
 - Assign the task to a third party in the laboratory or department
 - Use the Creighton University Health Science Library's service
- Ensure that all graphics and supplemental materials are submitted
- When submitting, list all grant numbers that supported the research being described in the article

As part of the compliance for submission, researchers shall respond promptly to all correspondence from the NIH regarding the formatting and release of the manuscript. Researchers shall ensure that the NIH version of the manuscript is promptly reviewed and approved when the researcher is notified by the NIH.

Citing PubMed Central or NIHMS Reference Numbers

Effective on and after May 25, 2008, anyone submitting an application, proposal, or progress report to NIH must include the PubMed Central or NIHMS reference numbers when citing applicable articles that arise from NIH-funded research. This applies to all new, renewal resubmission, continuation, or revision applications submitted.

The policy applies to articles accepted for publication on or after April 7, 2008. If earlier manuscripts are already in PubMed Central, researchers may cite those numbers as well. NIHMS reference numbers are generated when the manuscript is submitted to the NIH Manuscript Submission system. PubMed Central reference numbers (PMCID) may be found by searching PubMed Central.

Linking Publications to NIH Grants

When research performance progress reports (RPPRs) are submitted annually, the NIH requires investigators to identify any publications that resulted from the grant. To link publications with associated grants, investigators shall create a My NCBI account and link it to their eRA Commons account and then associate publications with their appropriate grant(s).

Applicable Regulations, Document(s):

Policy

Additional Documents