

## **Memorial Sloan-Kettering Cancer Center** **NIH Public Access Policy**

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:

*SEC. 218. The Director of the National Institutes of Health 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 becomes effective April 7, 2008. All Memorial Sloan-Kettering (MSK) researchers who have or intend to receive NIH funding for their research must comply with this law. More specifically, this requirement applies to MSK researchers who are directly funded by an NIH grant or cooperative agreement active in Fiscal Year 2008 (October 1, 2007- September 30, 2008) or beyond or directly funded by an NIH contract signed on or after April 7, 2008.

This law has two (2) key compliance 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

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 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

### **Copyright**

Memorial Sloan-Kettering authors must ensure that all agreements with journal publishers allow submission of the author's manuscript to PubMed Central.

A model letter is available that you should use to submit with your manuscript to publishers. This letter alerts the publisher that the manuscript is subject to the NIH Public Access Policy and that Memorial Sloan-Kettering expects them to comply with the policy.

Review all publishing agreements before signing them to ensure there is a clause that allows submission of your manuscript. If you are unsure of the language, please add the following wording above the signature line on the contract:

“Subject to the attached additional term re. NIH deposit.”

Use the following language if the publisher’s agreement does not have a similar clause.

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

If this wording is not submitted with the initial manuscript, you must carefully review the publisher’s copyright agreement before signing it. Research Resources Management or MSKCC Library staff can assist you in the review of the contract language if needed.

If the publisher refuses to accept changes to the agreement to ensure compliance with the NIH policy, please consult the Library or Research Resources Management:

*Research Resources Management – 646-227-2210*

*MSKCC Library – 212-639-7439*

### **Submission of Final Peer-Reviewed Manuscript**

For peer-reviewed manuscripts accepted for publication on or after April 7, 2008, MSK authors must submit the final version of the manuscript, and accompanying files, to the NIH Manuscript Submission System (NIHMS).

- The NIMHS system is very easy to use.
- Submission can be done by the author or a third party in their lab or department via the NIHMS system.
- Some publishers will submit manuscripts for authors. This may or may not require a final review of the submitted document by the author. You will receive an email notice to review the submission if that is needed. The NIH Web site provides a list of journals that will submit on behalf of authors: [http://publicaccess.nih.gov/submit\\_process\\_journals.htm](http://publicaccess.nih.gov/submit_process_journals.htm)

If your publisher does not submit your manuscript on your behalf, you need to integrate this step into your 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 you permission in the publishing agreement.
- Submit the final draft version of your manuscript to PubMed Central through the NIH Manuscript System (NIHMS).
  - Submit it yourself using NIHMS.
  - Assign the task to a third party in your lab or department.
  - If you need additional assistance, please contact the MSKCC Library.
- 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, you must respond promptly to all correspondence from NIH regarding the formatting and release of your manuscript. Ensure that the NIH version of your manuscript is promptly reviewed and approved when they notify you.

### **Citing PMC or NIH Manuscript Submission Reference Numbers**

When your manuscript is submitted to NIH you will receive a NIHMS ID number, and once it is available in PubMed Central, it will be assigned a PMC ID number.

Effective May 25, 2008, you will need to cite the PMC ID or NIHMS ID numbers for any articles you cite in your progress reports, new applications, and renewals.

These are only needed for articles accepted for publication on or after April 7, 2008, but you may include PMC ID numbers for articles already in PubMed Central as well.

The MSKCC Library can help you find these numbers, if you need assistance.

### **Non-compliance**

**Please note that compliance with the Public Access Policy is not a factor in the evaluation of grant applications. Non-compliance will be addressed administratively, and may delay or prevent awarding of funds.**

### **Glossary**

**NIHMS** – NIH Manuscript System – Developed by the National Library of Medicine and NIH to accept files of the author's manuscript.

**PubMed Central** – A digital repository created by the National Library of Medicine for providing public access to journal articles and authors manuscripts resulting from NIH funded research. It is also a repository for journals and publishers that have signed an agreement with the National Library of Medicine to place their content in the repository.

**PMC & NIHMS ID Numbers** – PubMed Central numbers are assigned when an article appears in PubMed Central and can be found by searching that repository. NIHMS reference numbers are generated with the manuscript is submitted to the NIH Manuscript Submission system.