



Memorial Sloan Kettering Cancer Center NIH Public Access Policy January 2022

The US 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 became effective April 7, 2008. All Memorial Sloan Kettering Cancer Center (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 the following key compliance issues:

- On or after April 7, 2008, submission of **peer-reviewed manuscripts** upon acceptance to PMC, which requires copyright permission from the publisher
- Effective on and after May 25, 2008, submission of PMC or NIH Manuscript System ID numbers for citations in proposals or reports to NIH

For **non-competing continuation grant awards** with a start date of **July 1, 2013** or beyond:

- NIH will delay processing of an award if publications arising from it are not in compliance with the [NIH Public Access Policy](#).
- Investigators will need to use [My NCBI](#) to enter papers onto progress reports. Papers can be associated electronically using the Research Performance Progress Report (RPPR), or included in the PHS 2590 using the My NCBI generated [PDF report](#).

All papers that fall under the NIH Public Access Policy, whether in press or in print, must include evidence of compliance, in all NIH applications and reports.

Research is defined as **“a systematic investigation designed to develop and contribute to generalizable knowledge.”**

Examples of activities that constitute research include any biomedical or biobehavioral study intended to result in publication or public presentation; any activity resulting in publication or public presentation, even though it involves only review of existing data that were collected with no intent to publish, or any use of an investigational drug or device.

This law applies to:

- All **peer-reviewed research 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.
- All publications resulting from the use of Cancer Center Support Grant (CCSG)-supported shared resources or supported by CCSG Developmental or Early Phase Clinical Research Support funds. *In these cases, the specific core facilities used and/or Developmental award received should be acknowledged.* *

* To comply with NIH guidelines, **as of September 1, 2015**, MSK requires all publications based on research conducted at MSK or while MSK authors on the paper were in MSK's employ to cite the core grant on the manuscript being submitted, be deposited in PMC, and ensure the paper acquires its PMCID. **Once obtained, the PMCID must be included at the end of the full citation in NIH grant applications and progress reports.**

MSK's [CCSG Publication Compliance Policy](#) gives detailed information on the full scope of required compliance along with instructions on the three-step process:

- 1) Core Grant (**P30 CA008748**) must be acknowledged on the submitted manuscript to journal;
- 2) the paper's citation must be associated with the Core Grant in MyNCBI's [My Bibliography](#);
- 3) a **PMCID** number must be obtained.

Remember, the policy does not apply to:

- Non-peer reviewed articles
- Meeting/conference abstracts or posters
- Books or book chapters
- Non-peer-reviewed reviews
- Practice guidelines (e.g., NCCN Guidelines)
- Position papers
- Editorials or correspondence
- Letters to the Editor
- Articles in trade magazines
- Multimedia or other types of publications

Copyright

MSK authors must ensure that all agreements with journal publishers allow submission of the author's manuscript to PMC.

A model letter is available that you should submit with your manuscript to publishers. This letter alerts the publisher that the manuscript is subject to the NIH Public Access Policy and that MSK expects them to comply with the policy. Contact RTMROC@mskcc.org for more information or to get a copy of the model letter.

Review all publishing agreements before signing them to ensure that 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 PMC 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 and Technology Management or the MSK Library staff can assist you in the review of the contract language if needed.

- Corporate Compliance & Internal Audit/Research and Technology Management – Vice President, Research, Outreach & Compliance (ROC), RTMROC@mskcc.org or (646) 888-1062

- MSK Library – Director, Library Services, gibsond@mskcc.org or (212) 639-2109

Submission of Final Peer-Reviewed Manuscript

For peer-reviewed research 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 NIHMS system is very easy to use
- Submission can be done by the author or a third party in his/her laboratory 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

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 PMC through the NIH Manuscript System (NIHMS).
 - Submit it yourself using NIHMS
 - Assign the task to a third party in your laboratory or department
 - If you need additional assistance, please contact the MSK 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 PMC, it will be assigned a PMCID number.

Effective May 25, 2008, you will need to cite the PMCID 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 PMCID numbers for articles already in PMC as well.

The MSK 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.

For non-competing continuation grant awards with a start date of **July 1, 2013** or beyond:

- NIH will delay processing of an award if publications arising from it are not in compliance with the [NIH Public Access Policy](#).
- Investigators will need to use [My NCBI](#) to enter papers onto progress reports. Papers can be associated electronically using the Research Performance Progress Report (RPPR), or included in the PHS 2590 using the My NCBI generated [PDF report](#).

Please see [NOT-OD-12-160](#) at <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-12-160.html> for more details.

To ensure that all Memorial Sloan Kettering Cancer Center (MSK) authors comply with the NIH Public Access Policy, the following procedures will be followed.

The MSK Library will:

- Conduct quarterly PubMed searches of all MSK publications derived from NIH grants
- Review the Public Access Compliance Monitor (PACM) on a quarterly basis for non-complaint papers
- Identify those articles with PMCIDs and ensure these numbers are added to Synapse (<http://synapse.mskcc.org>) to help track compliance
- Facilitate policy compliance by helping authors obtain the required PMCID number
- Trouble-shoot with publishers when the publisher is responsible for depositing the article in PMC

ROC is available to:

- Facilitate policy compliance by helping authors understand the steps necessary to achieve compliance
- Provide guidance on copyright issues, including model letters and sample suggested language

Glossary

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

PMC – PMC (formerly known as PubMed Central) is a free full-text archive of biomedical and life sciences journal literature at the U.S. National Institutes of Health's National Library of Medicine (NIH/NLM). It is a digital repository 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. <http://www.ncbi.nlm.nih.gov/pmc/>

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