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## Policy

### **Policy and Governance Mechanisms**

Policy makers are participants in the process of creating OKIs. They contribute through the creation of formal policies and appropriate governance mechanisms. These can be particularly important, given the OKI's emphasis on coordination, which is required by the principles of subsidiarity and local contexts of knowledge activity.

Policy and governance mechanisms are systems that guide relational structures between actors within a collective body. These are crucial for the processes of interactions and decision making that lead to outcomes of collective problems. At the same time, policy involves control. If open knowledge is a continuous balancing and rebalancing between chaos and control, it implies ever-fluctuating levels. We need a sufficient consistency within this flux of inconsistency to build trusted networks among the diverse actors engaging with the OKI, whether internal or external to the institution.

At the same time, consistency is also needed for evaluation and accountability. An OKI initiates, revises, and refreshes policies, and these need to be flexible, inclusive, and transparent. These policies will enhance the ability to form new relationships within higher

education as well as with external communities and users of knowledge. Openness needs a dynamic system of policy and governance.

## Policy Design

OKIs apply principles and employ practical measures to design effective policies. The tension between the consistency necessary for coordination and local and contextual diversity is crucial.

In a growing number of open areas, policy design has progressed from advocacy to mandates. Nevertheless, it is important to emphasize diversity in complex policy contexts. There has been a substantial rise in the proportion of formally published scholarly literature that is free to read and increasingly freely available for reuse. This rise can be directly linked to policy initiatives, especially open-access mandates from funders, national governments, and regional coordination efforts such as the European Commission. Without some level of compulsion, this rise in accessible content would probably not have occurred.

At the same time, the focus of policy and documents from the Budapest Open Access Initiative through to funder, institutional, and national policy initiatives has left substantial gaps. The uses of mandates and the one-size-fits-all open policies are not free of controversies as they neglect the diversity of research contexts, including the privacy of patients in medical research, and disciplinary differences in sharing scholarship and research data. By comparison, policies built on the idea of being “as open as possible and only closed when necessary” could successfully address a wide range of situations.

In order to maintain diversity and address difference, we need to allow for conflict and disagreement, and understand the value of “staged” or institutionally governed forms of conflict that safeguard participants. We do not want the straw version of “safe spaces” raised by conservative critics, nor the extremes in which a right to speech

has priority over the consideration of harm for others. Rather, we need trusted spaces in which different perspectives can be brought to bear. This implies an environment where modes of conflict are sufficiently circumscribed to ensure the safety of and benefits to participants. This also will protect the diversity of onward connections to the broader network that participants bring. What underpins these diverse trusted spaces is an infrastructure, “the network,” both in abstract form and as an actual digital communications network with defined protocols and systems, supported by innovative policy designs.

The design of diversity policies in OKIs should also consider the various types of scholarly content and their users. Many critics have noted that merely formal scholarly literature free to read does not make it comprehensible to all the potential users of that research, from patients to businesses to concerned communities. The focus on journal articles, and specifically the subset of articles indexed in Western anglophone bibliographic systems, has additionally marginalized the influence and use of parallel literatures, including working and policy papers, that are often dismissed as gray literature.

Access and intellectual property have occupied a central place in policy design for open knowledge. OKIs will also need to design effective policies to address practical issues including infrastructure, capacity building, and community engagement. The programmatic measures and detailed policy designs may vary widely, but there are some essential and common principles that OKIs could follow.

## Policy Principles

How then do we manage this tension? We need consistency and coherence, but also flexibility and contextualization. We need to support many different paths for today’s universities to become fully fledged OKIs, recognizing that each university will need to adjust to its internal differences and diversities. We need to ask

what policy and guidance must be shared at the global, regional, national, and institutional levels? What values and norms might conceivably be universal, and how can guidance as to their implementation best be shared?

In large part, this is answered by the principles that we have articulated thus far and further distill below. The principle of subsidiarity, for example, places control as close to individual actions as is appropriate. The extent to which that control needs to be moved “up” the system is determined by balancing the tensions between complete freedom (and potential inconsistency) and overzealous control (and homogeneity). The level of coordination is determined by the existing strength of connections in the local network. It depends on the trust between participants, current or future, and the concerns they have and risks they take in engaging. Where there is greater trust and a stronger shared culture, policy and governance can move closer to guidance and value statements. Where the network is fragile or the potential for harm is greatest, such as where Indigenous communities or patient groups are involved, greater regulation and control is required.

The logic of group governance is always fraught, and this is where policy becomes a useful tool. Ideally, the shared values of those engaged in a particular knowledge-producing group would lead them to see these challenges and incentive problems, and they would agree to bind themselves through mutually constraining yet voluntarily entered rules of governance. Mancur Olson (1965) notes that while sufficiently large groups with differing interests will struggle to agree on individual actions, particularly those involving collective goods (which include club goods and common pool resources), such groups can successfully agree to bind themselves to regulations that impose the requirements for generating those collective goods, even when it is not in their individual interests.

There will be occasions when compulsion through explicit or de facto policy is necessary too. Resource limitations may require choices

about platforms that are to be shared across organizations and communities. Consensus will not always be feasible. What policy and governance can provide is the guarantee of stability. Requirements, where necessary, must take note of our understanding of the challenges of collective action and recognize that the value being created is a local collective good—one that cannot be provided by the state (here, the institution or scholarly academic system) or market—so that efforts to coordinate across groups making their own choices is crucial.

With this as background, we can articulate some principles of governance and policy that are consistent with the overall vision of OKIs:

- *Diversity* is a first-order principle, as it compels OKIs to institutionalize creativity in ways that reflect more than only local-level creations. Diversity requires ongoing work and support in the same way that openness does.
- *Subsidiarity* is critical, and the default position should be to enable action. Decisions to impose control must be driven by a clearly articulated need for coordination, consistency, or trust building with the target of a more diverse network.
- *Coordination* should be delivered through the provision of platforms where feasible. Platforms provide infrastructure at the lowest possible level that encourages the desired effect. Compliance with the platform should never be compulsory. Platforms act as guides; they do not dictate practice.
- *Policy and direction*, where necessary, should be directed at creating shared culture and values rather than compliance. The goal is observation of the spirit, not compliance with the letter of the law, even if direction and compliance are required as part of that shift.
- *Consistency* should be provided through the university acting as a platform that supports community and network building, and supplies (and interacts with other OKIs to resource) infrastructures that guide consistency.
- *Governance* arrangements are consistent with all these principles.

These principles may seem straightforward, but they imply a truly radical shift in our thinking around university leadership and strategy. They point to the role of leadership not as executives determining and resourcing strategy but instead as community builders and facilitators. Rather than acting as visionaries that stand alone, such leadership will be embedded within the community. Leaders will engage in narrative building in support of shared culture and diversity, telling the story of the organization with an emphasis on its role and connections in society.

This reformation of leaders as community mediators reflects our understanding of the successful governance of common pool resources and club goods (Hess and Ostrom 2006). Successful governance of such resources is almost invariably bottom up. Top-down imposition should be the exception. It should always be focused on coordination and mediation undertaken in the service of building and sustaining trust in networks, in addition to legal and regulatory compliance. Any such imposition must be applied at the correct level and should build in the flexibility to change over time. For openness to offer resilience, it must be flexible. Therefore the ways in which we constrain ourselves must include mechanisms for change that can be enacted fluidly when changes occur in our political, economic, social, or technical environments.

## **Policy in Context**

Defining the ideal policy and governance approaches for a university as an OKI needs to be sensitive to context. There are many aspects of the environment of a university that are outside its control. Open institutions are especially connective as well as networked and embedded in their communities at various levels. Knowledge within these communities may be regulated by intellectual property limitations, local issues, and ethical concerns.

Policy levers at the national level can support shifts toward openness. Many countries already have open government data policies. Internationally, the Open Data Charter (n.d.) sets out six general principles of openness for data. Yet simply opening up data has not necessarily led to substantial changes at the institutional level. Continued interaction between institutions, at the international, national, and regional levels, will be necessary to facilitate the greater openness of knowledge.

Differences in culture and other contextual issues, including politics, resourcing, and local priorities for knowledge production, can all play an important role in enhancing the openness of knowledge. The successful OKI provides for independence and innovation, and does not unnecessarily close options for new connections and activities. To thrive, it will need to align itself closely with local communities and contexts, including policy makers and political leadership. The successful university will, however, through its connective scholarship, already be influencing policy making at the national and regional levels, both directly and through coalitions with other like-minded organizations.

