

March 13, 2019

Robert May
Chair, Academic Council

RE: Systemwide Senate Review: Second Systemwide Review of Proposed Presidential Policy on Open Access for Theses and Dissertations

Dear Chair May:

Our committee members reached a consensus of opinion in support of most of the proposed presidential policy on open access for theses and dissertations. There was, however, for us a matter that required further discussion. This is the question of students' requests for extensions on an initial two-year embargo on providing open access to recently filed dissertations. You will see from our committees' responses that this is the issue that inspired the most detailed of our discussions.

We were interested to read the wording in III.D of the policy:

Graduate students may delay the date their theses or dissertations become available in an open access repository by specifying the embargo period of up to two years upon filing. A Graduate Dean (or delegee of the Dean) may extend the embargo for additional two-year periods upon receiving a letter of request from the dissertation chair (or other appropriate authority overseeing the thesis or dissertation at issue) for each two-year embargo extension request. The letter should state the reason for requesting the embargo extension. Examples of circumstances justifying embargo extensions include, among other reasons: (a) a publisher's requirement of an embargo in connection with the publication of a manuscript derived from the thesis or dissertation, or (b) an inability to obtain a patent due to the disclosure of patentable inventions in the thesis or dissertation. Upon extraordinary circumstances (such as a high legal or safety risk to the graduate student), an indefinite embargo may be granted for as long as such extraordinary circumstances exist pursuant to Section IV below.

The very idea that a dean or a dissertation chair should be called upon to grant further extensions appears somewhat unreasonable. There can be many circumstances that means that a dissertation should be withheld from Open Access. Long-term illness or disability is one such consideration. For this particular reason, the prospect of putting a former student who filed the dissertation under pressure to comply with these requirements is unreasonable. In any case, there are pressures in some fields (especially areas of the humanities and social sciences) where former PhD students will want to preserve their dissertations from Open Access because they are transforming their research into the form of a critical monograph—the kind of publication that often needed to secure tenure.

As one colleague from our Executive Board observed:

To my mind, dissertations [in the context of Open Access] are a somewhat special category. On the one hand, they have always been required to be placed in libraries and from there I think that the general practice at UC has been to allow circulation with some special embargo exceptions. And at the same time UC dissertations were supposed to be sent to the Dissertation reproduction system that used to be at UMich but is now ProQuest dissertations online. At least

that was what I was required to do back in the day when I got my degree from Berkeley. What has changed of course is the ease of online access as you can now simply download a dissertation rather than having to formally order it. So there has always been some circulation except with exceptions.

On the other hand, since these are dissertations and not simply publications they are parts of a student's degree requirements which I think should enable a student to claim more control over the work. An author who doesn't want to publish his/her work because they don't want to release it yet can simply not publish it. A student doesn't have that control. So I don't think that the general support of Open Access works the same way.

Because of protests in an earlier round it is now much easier for a student to get successive two year embargoes. To me that seems like a reasonable compromise so long as there is no right granted to campuses or graduate deans to shorten or restrict that in the name of prior campus custom or policy.

It is fair to say that from our email discussions of the proposal, this viewpoint represents the majority opinion among our Senate members.

We thank you for this opportunity to comment on the proposed policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a stylized flourish at the end.

Joseph Bristow
Chair, UCLA Academic Senate, 2018-2019

cc: Hilary Baxter, Executive Director, Systemwide Academic Senate
Sandra Graham, Immediate Past Chair, UCLA Academic Senate
Michael Meranze, Vice Chair/Chair-Elect, UCLA Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate