

Executive Board

(Systemwide Senate Review) Proposed Presidential Policy on Open Access for Theses and Dissertations

Table of Contents

Exec Divisional Response - Proposed Presidential Policy on Open Access for Theses and Dissertations_Graham to White_3_13_18	1
---Shane White	1
---Sandra Graham	1
Exec Systemwide_Rev_Cvr_Ltr_Open_Access_Theses_Dissertations_Policy	2
Exec Draft_Presidential_Policy_Open_Access_for_Theses_and_Dissertations	6
---I. POLICY SUMMARY	6
---II. DEFINITIONS	7
---III. POLICY TEXT	7
---IV. COMPLIANCE / RESPONSIBILITIES	8
---V. PROCEDURES	9
---VI. RELATED INFORMATION	9
---VII. FREQUENTLY ASKED QUESTIONS	9
---VIII. REVISION HISTORY	9
COLASC Final Response	10

March 13, 2018

Shane White
Chair, Academic Council

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

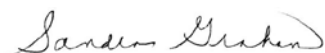
Dear Shane,

The Executive Board of the UCLA Academic Senate discussed the Proposed Presidential Policy on Open Access for Theses and Dissertations at its meeting on March 8, 2018. The Executive Board solicited comments from standing committees of the Senate; the individual responses from our various committees follow.

Overall, committee members agreed with the proposed policy. That said, several Executive Board members echoed the concerns raised by the Committee on Library and Scholarly Communication (COLASC). For students in disciplines where dissertations are more likely to be book-length manuscripts and the student wishes to publish his/her dissertation as a book, the two year embargo may not be long enough. Senate Executive Board recommended a five year embargo instead as standard practice if requested by the student. COLASC also noted "since the students will retain copyright on their dissertations, requiring a petition to the administration for a longer embargo is counter to the spirit of ownership that students should have in their own work." Finally, several members noted that the current UC open access policies for Academic Senate and non-Senate authors focuses on scholarly articles, not books. Thus, stating that the new policy for graduate student theses and dissertations extends existing policy to create systemwide uniformity is not accurate.

The Executive Board appreciates the opportunity to opine. Please feel free to contact me should have any questions.

Sincerely,



Sandra Graham
Chair, UCLA Academic Senate

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



OFFICE OF THE PROVOST AND
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

December 1, 2017

CHANCELLORS
LBNL DIRECTOR WITHERELL
ACADEMIC COUNCIL CHAIR WHITE
ANR VICE PRESIDENT HUMISTON
GRADUATE DEANS
COUNCIL OF UNIVERSITY LIBRARIANS

Re: Systemwide Review of Proposed Presidential Policy on Open Access for Theses and
Dissertations

Dear Colleagues:

Enclosed for systemwide review is a draft UC Open Access for Theses and Dissertations Policy. This is a new draft policy developed in response to a request from the Systemwide Library and Scholarly Information Advisory Committee (SLASIAC), which advises on academic copyright-related matters, systemwide library policies, and strategies to facilitate the transmissions of scholarly communications in a digital environment. Currently, there are two other systemwide UC open access policies designed to ensure access to UC-affiliated scholarly research: one for members of the Academic Senate and the other for all non-Academic Senate authors who have written scholarly articles while employed at UC (non-Senate academic appointees and staff members). These policies specifically address published scholarly articles.

There is, however, no systemwide uniformity or policy for ensuring open access to UC graduate students' theses and dissertations. The enclosed draft policy provides such systemwide consistency for these works.

With this systemwide policy, UC obtains a limited license to permit electronic theses or dissertations authored by UC graduate students to be available in an open access repository. This policy updates the prevailing norm from the previous century of having physical copies of theses and dissertations on library shelves. Each campus or location will be responsible for submitting theses and dissertations to the California Digital Library, which will make them publicly available via its eScholarship digital repository. Additionally, this policy brings theses and dissertations into the overall framework of UC's other open access policies, which currently require all UC faculty members, academic appointees, and staff members to provide a similar "open access" license to UC for scholarly articles written while they were employed at UC.

Background

In a March 4, 2016 letter to UC Provost Aimée Dorr, SLASIAC noted the variance or absence of specific guidelines and policies on the campuses for providing access to theses and dissertations and recommended that a systemwide policy be developed requiring graduate students to provide UC with a limited license to make their theses or dissertations publicly available. In its letter, SLASIAC asserted that a requirement “would be consistent with our mission as a public university and the tradition of open scholarly exchange.” In response, in late spring 2016, Provost Dorr requested the establishment of a *Systemwide Electronic Theses and Dissertations (ETD) Policy Task Force* charged with developing a systemwide policy on archiving and public access to electronic theses and dissertations produced by UC graduate students.

In its original charge, the task force was asked to consider including the following elements outlined in the SLASIAC letter to Provost Dorr:

- 1) A statement regarding UC’s commitment to disseminate research and scholarship – including theses and dissertations developed at UC – as widely as possible, and acknowledging that graduate students own the copyright to their theses and dissertations;
- 2) A reference to the systemwide Open Access Policy for scholarly articles;
- 3) Policy text that requires a deposit of electronic copies of all theses and dissertations produced at UC into our institutional repository (eScholarship) or its equivalent, and the granting of a non-exclusive license to UC for the purposes of preserving and making accessible all theses and dissertations produced at UC;
- 4) Allowance for delayed releases (i.e., “embargoes”) of ETDs of not more than two years, with the ability to obtain a longer embargo in compelling circumstances; and
- 5) Provision for campuses to be responsible for implementing local policies consistent with the systemwide policy as well as implementing guidelines for embargoes.

In developing the UC Open Access for Theses and Dissertations Policy, the task force – which included representatives of the Graduate Deans, Council of University Librarians (CoUL), Coordinating Committee on Graduate Affairs (CCGA), the University Committee on Library and Scholarly Communication (UCOLASC), SLASIAC, UC Libraries, and graduate students – met four times to review, consider, and deliberate on the issues surrounding the potential policy and how it might affect the work of the UC campuses.

In its deliberations, the task force discussed the items outlined above and their impact on graduate students, particularly possible provisions related to embargoes and commercial use. Other issues, such as differences between disciplines and various types of theses and dissertations were discussed, including multimedia content, data sets, animation, and other elements. Discussions also delved into the need for education around the policy and its implementation throughout the UC system. In crafting the policy, the task force considered all of these various issues.

The draft systemwide policy has been reviewed by Provost Dorr and the Academic Planning Council, and their feedback has been incorporated to the attached draft policy.

Systemwide Review Process

Systemwide Review is a public review distributed to the University leaders requesting that they inform the general University community, affected employees, and unions' membership about policy proposals. Systemwide Review also includes a mandatory full Senate review for at least 90 days.

All employees—faculty, academic appointees, student employees, administrators, and staff—should be afforded the opportunity to review and comment on the draft new policy, available online at: <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. FAQs are also enclosed in connection with the systemwide review of the draft Open Access for Theses and Dissertations policy.

Attached is a Model Communication that may be used to inform non-exclusively represented employees affected by these proposals. Our colleagues in UCOP Labor Relations will inform the collective bargaining units by way of their usual processes.

Please submit comments and feedback to the enclosed policy by February 28, 2018 to ADV-VPCARLSON-SA@ucop.edu (email address is not case-sensitive).

Questions may be directed to Patricia Osorio-O'Dea at Patricia.Osorio-Odea@ucop.edu or 510-587-6147.

Thank you in advance for your attention to this new draft Presidential Policy.

Sincerely,



Michael T. Brown, Ph.D.
Provost and
Executive Vice President for Academic Affairs

Attachments: 1. Presidential Policy on Open Access for Theses and Dissertations
 2. Model Communication
 3. FAQs

cc: President Napolitano
 Executive Vice Chancellors/Provosts
 President's Advisory Group
 Vice President Duckett
 Vice President Ellis
 Vice President Holmes-Sullivan
 Vice Provost Carlson
 Vice Provost Gullatt
 Vice Provosts/Vice Chancellors of Academic Affairs/Academic Personnel
 Deputy General Counsel Woodall
 Executive Director Baxter
 Executive Director Jennings

Executive Director Peterson
Academic Personnel Directors
Deputy/Compliance Officer Lohse
Director Chester
Director Osorio-O'Dea
Chief of Staff Henderson
Manager Donnelly
SLASIAC
Systemwide ETD Policy Task Force

Open Access for Theses and Dissertations

University of California – Policy [Policy Number]



Responsible Officer:	Provost & EVP - Academic Affairs
Responsible Office:	RG - Research & Graduate Studies
Issuance Date:	[Issuance Date]
Effective Date:	[Effective Date]
Last Review Date:	
Scope:	This policy applies to all graduate students who prepare theses or dissertations in a graduate degree program within the University of California system.

I. POLICY SUMMARY	1
II. DEFINITIONS.....	2
III. POLICY TEXT.....	2
IV. COMPLIANCE / RESPONSIBILITIES	3
V. PROCEDURES.....	4
VI. RELATED INFORMATION.....	4
VII. FREQUENTLY ASKED QUESTIONS.....	4
VIII. REVISION HISTORY	4

Contact:	Pamela Jennings
Title:	Executive Director, Graduate Studies
Email:	Pamela.Jennings@ucop.edu
Phone #:	(510) 987-9446

I. POLICY SUMMARY

The University of California (“University”) is committed to disseminating research and scholarship conducted at the University as widely as possible. Such commitment encompasses the scholarship generated by the University’s graduate students. This policy, therefore, extends the principles of the University’s existing open access policies – including the Academic Senate’s policy dated July 24, 2013 and the systemwide Presidential policy dated October 23, 2015 – to theses and dissertations prepared by the University’s graduate students. Specifically, this policy requires theses or dissertations prepared at the University to be (1) deposited into an open access repository, and (2) freely and openly available to the public, subject to a requested delay of access (“embargo”) obtained by the student. The policy does not affect students’ copyright ownership rights in their theses or dissertations.

II. DEFINITIONS

Embargo is the delay in open access availability of a thesis or dissertation after its completion and deposit in an open access repository.

Graduate students refer to the University’s graduate academic and graduate professional students.

Nonexclusive license refers to a limited grant of rights to permit others to use a copyrighted work (e.g., thesis or dissertation) in specified ways, while not preventing copyright owners from exploiting for themselves – or granting to others – the same or other copyright rights.

Open access refers to the free and easy availability of scholarly works on the internet, permitting users to read, download, print, search, or link to the full texts of copyrightable scholarly works for any lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet.

Open access repository refers to any digital archive or platform designed to make scholarly works freely accessible via the internet. The California Digital Library’s eScholarship platform is the default repository for this policy.

University refers to The Regents of the University of California, also known as the “University of California.”

III. POLICY TEXT

A. Scope

This policy applies to all graduate students who author a thesis or dissertation as part of their University graduate degree requirements and following issuance of this policy. Upon express direction of the graduate student, the open access license in the next paragraph may be delayed for a specified period of time pursuant to Section III.D below. This policy does not affect copyright ownership of any thesis or dissertation; such ownership remains with the graduate students absent unusual circumstances.

B. Open Access License Grant

Each graduate student grants to the University a worldwide, nonexclusive license to exercise all relevant rights under copyright – including the reproduction and public display rights – for the purpose of making the student’s thesis or dissertation authored at the University available in an open access repository in any medium, and to authorize others to do the same.

C. Submission of Theses and Dissertations

To assist the University in archiving and openly disseminating theses and dissertations within the scope of this policy, all of the University's graduate students will submit the final version of the student's thesis or dissertation to the University before conferral of the student's graduate degree, regardless of whether an embargo is obtained. Such thesis or dissertation will be made freely and openly available to the public after filing, unless the graduate student obtains an embargo pursuant to Section III.D below.

D. Delay of Open Access / Embargo

Graduate students may delay the date their theses or dissertations become available in an open access repository by specifying the embargo period – up to two years – upon filing. Upon compelling circumstances, the University may grant embargoes of longer than two years or embargoes requested after filing.

IV. COMPLIANCE / RESPONSIBILITIES

A. Authority

The Provost and Executive Vice President for Academic Affairs is the responsible officer for this policy and has the ultimate authority to interpret and implement the policy as well as to develop procedures or other supplementary information. The Deans of the Graduate Division (or delegees of the Deans) for each campus or location are the responsible officers for this policy at the local level. They have the authority to develop local policies, guidelines, and implementation procedures consistent with the systemwide policy.

B. Compliance with the Policy

The Dean of the Graduate Division (or delegee of the Dean) for each campus or location is responsible for local communication, compliance, and enforcement of this policy. The Deans (or their delegees), upon compelling circumstances, are authorized to grant embargoes of longer than two years or embargoes requested after filing to those graduate students within their jurisdiction. Appeals of decisions made under this Section IV.B may be made to the relevant Graduate Council.

Each campus or location is responsible for providing theses or dissertations to the California Digital Library ("CDL"), and CDL is responsible for maintaining the open access repository and ensuring that the theses and dissertations within the repository are freely and openly available to the public. The Deans (or their delegees) will work with CDL, the Office of Scholarly Communication, and/or the University Librarians to support compliance with this policy and to obtain information to assess compliance.

V. PROCEDURES

Not applicable.

VI. RELATED INFORMATION

- [UC's Presidential Policy on Open Access \(Oct. 23, 2015\)](#)
- [UC's Academic Senate Policy on Open Access \(July 24, 2013\)](#)
- [UC Open Access Policy website](#)
- [UC's Presidential Policy on Copyright Ownership \(Aug 19, 1992\)](#)
- [UC's "Copyright" website](#)

VII. FREQUENTLY ASKED QUESTIONS

[UC's Office of Scholarly Communication Open Access Policy FAQ](#)

VIII. REVISION HISTORY

N/A

February 26, 2018

To: Sandra Graham, Chair
Academic Senate

From: Eric Sobel, Chair
Committee on Library and Scholarly Communication

Re: Proposed Presidential Policy on Open Access for Thesis and Dissertations

The Committee on Library and Scholarly Communication during its meeting on January 29, 2018, reviewed and discussed the proposed Presidential Policy on Open Access for Thesis and Dissertations and the FAQs. Overall, members agree with the proposed policy in principle but have some apprehension.

The proposed policy fits well with established practice in STEM fields where dissertations are often a few original, peer-reviewed articles (often before publication) with some “glue” text to unify the work.

However, when looking at other fields, e.g., in History disciplines, a dissertation can be in the form of a book that has taken several years to write (years that may have been spent on leave from the UC, working in the field). The current Open Access policy does not cover books written by UC Academic Senate members or other staff. In this regard, claiming to “extend” open access to graduate students’ thesis and dissertations is misleading as it is not similar to the current policy for faculty and staff. In many cases, dissertation books are converted to commercial texts or used in one’s journey to an academic position and promotion. The embargo option alleviates some concerns regarding commercial-quality book-length dissertations. However, it was felt that in some whole fields a two-year embargo would not be sufficient and that requiring “compelling circumstances” to lengthen the embargo period beyond two years would be too high a barrier for what could be a routine request in some areas. Also, since the students will retain copyright on their dissertations, requiring a petition to the administration for a longer embargo is counter to the spirit of ownership that students should have in their own work. Some members considered that allowing the student to select an embargo period of up to five years would be appropriate.

We have also relayed our comments on this proposal to UCOLASC, and their report has also included these concerns.

Thank you for the opportunity to review and comment.

CC: Joseph Bristow, Vice Chair/ Chair Elect Academic Chair
Susan Cochran, Intermediate Past Chair, Academic Senate
Linda Mohr, CAO, Academic Senate
Members of the Committee on Library and Scholarly Communication