



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.

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Contact:	Pamela Jennings
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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

FAQs for Open Access for Theses and Dissertations Policy

What is an open access repository?

An open access repository is a digital platform that stores various types of scholarly works and makes such works available for free and for anyone to consult, reference, and download. The University of California's open access repository is called "eScholarship" (<http://eScholarship.org/>), which is a service of the [California Digital Library](#).

Does this policy affect copyright ownership in my thesis or dissertation?

No. This policy does *not* affect or transfer your ownership of copyright or intellectual property rights in your thesis or dissertation. This policy simply provides a limited license to make your thesis or dissertation publicly available in an open access repository (e.g., eScholarship).

Can I delay the release of my thesis or dissertation in an open access repository?

Yes. Most students want to make their theses or dissertations publicly available as soon as possible and as widely as possible. However, some may want to delay (i.e., "embargo") the date that their theses or dissertations become available in an open access repository. If, for example, the thesis or dissertation discloses a novel process or invention for which a patent may be sought, an embargo on the public release of the thesis or dissertation may be appropriate. (See next FAQ for more information.)

Under this policy, an embargo period of up to two years may be requested upon filing. If there are compelling circumstances, you may be able to obtain an embargo of longer than two years. Please see Section III.D ("Delay of Open Access / Embargo") of the policy.

What does the University of California gain by this thesis/dissertation policy?

By virtue of this 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. The policy essentially updates the old way of placing hard copies of theses/dissertations onto library shelves, so that the physical copies are replaced by electronic copies, and library shelves are replaced by digital repositories. This policy also brings theses/dissertations within the fold of other UC open access policies, which require all UC faculty members and staff members to provide a similar "open access" license to UC for scholarly articles written while they are employed at UC.

In addition, this policy provides systemwide consistency regarding the availability of theses/dissertations. Currently, there is no systemwide UC policy for permitting access to theses/dissertations, as each UC campus handles access and permissions differently for the theses/dissertations developed at that campus. This policy now creates a uniform approach to the limited open access license permitted for theses/dissertations.

Aren't there other systemwide UC open access policies already in existence? If so, what are the key differences between those other open access policies and this one for theses and dissertations?

Yes, there are at least two other systemwide UC open access policies: one for the [Academic Senate](#) members only, and the other is the [Presidential Open Access Policy](#), applicable to all non-Academic Senate authors who have written scholarly articles while employed at UC (including non-Academic Senate faculty and staff members). These policies are specifically directed to *published* scholarly articles. On the other hand, the Open Access for Theses and Dissertations Policy is limited to graduate students' theses and dissertations, most of which will not have been previously published in journals or in similar publications. For more information about the existing UC open access policies, please see: <http://osc.universityofcalifornia.edu/open-access-policy/index.html>.

What if my thesis or dissertation contains patentable subject matter, and I have not yet filed a patent application or obtained a patent on this subject matter?

In most cases, an embargo for one or two years is sufficient. Under current patent law, an inventor has up to one year from the time he or she publicly discloses an invention within which to file a patent application. So even in the absence of an embargo, one could publicly disclose a patentable invention in a thesis or dissertation (or elsewhere) and, within one year, still apply for a patent.

What if my thesis or dissertation contains sensitive information of a third party?

There are at least two options. One option is to seek an embargo on your thesis or dissertation, assuming that the passage of time (e.g., two years) will alleviate the sensitivity of the information being publicly available. Another option is to redact the specific sensitive information and submit the redacted thesis/dissertation without an embargo, making clear that the thesis/dissertation has been redacted and that the redaction does not compromise your argument. Please discuss with your thesis/dissertation advisor or chair before deciding whether to place an embargo on, or incorporate redactions to, your dissertation for sensitive non-patentable information.

Will journal or book publishers consider publishing my thesis/dissertation if it is already available in an open access repository, like eScholarship?

Yes. Though the policies and practices of publishers vary (especially depending on the discipline), generally speaking, scholarly publishers do not bar publication of articles or books that are based on theses or dissertations available in an open access repository, especially if there are substantive differences between the thesis/dissertation and the final work published by the publisher. This is partly because most publishers consider theses and dissertations to be "student works" that will require substantial editing and revision before being published in article or book form.

Does this Open Access for Theses and Dissertations Policy allow commercial use by eScholarship users or other end users?

No, unless the author of the thesis/dissertation chooses to allow commercial reuse. The default for all deposited theses/dissertations is the default under copyright law – all rights are reserved by the copyright owner (e.g., the graduate student authors), with exceptions for things like fair use. In other words, end users cannot simply reproduce your thesis/dissertation and distribute your work without your permission, except as permitted under copyright law (e.g., fair use). Alternatively, authors may choose to grant eScholarship users and other end users reuse permissions, including commercial reuse, by choosing a [Creative Commons](#) license for their thesis/dissertation at the time of deposit, if their campus submission form supports these licenses.

How do I actually deposit my thesis/dissertation into an open access repository, like eScholarship?

Deposit of the thesis/dissertation in the open access digital repository takes place as part of the procedure for filing your finalized dissertation. Filing procedures are governed by the policies and procedures of your UC campus. Please refer to your Graduate Division for information about the filing procedures at your specific campus.

What if I have further questions about this Open Access for Theses and Dissertations Policy?

Check with your advisor or department chair. If they are unable to answer your questions, the Deans of the Graduate Division (or the delegates of the Dean) for each campus are the responsible officers for this policy – including communications and compliance – at the local level.