



Robert C. May
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*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

April 8, 2019

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

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

Dear Susan,

As you requested, I distributed the proposed Presidential Policy on Open Access for Theses and Dissertations for a second systemwide Academic Senate review. Nine Academic Senate divisions (UCB, UCD, UCI, UCLA, UCM, UCR, UCSD, UCSC, and UCSF) and two systemwide committees (UCOLASC and BOARS) submitted comments. These comments were discussed at Academic Council's March 20, 2019 meeting. They are summarized below and attached for your reference.

We understand that the policy builds on the Academic Senate's Open Access policy for faculty publications, and the Presidential Open Access policy, which applies the provisions of the Senate policy to non-Senate UC authors. Both give UC a limited, non-exclusive right to make published scholarship freely available in the California Digital Library's eScholarship open-access online repository. Similarly, the Policy on Open Access for Theses and Dissertations would require campuses to deposit electronic copies of new dissertations and theses to eScholarship.

The initial policy reviewed by the Senate in 2018 included a clause allowing graduate students who do not want to make their work immediately available to specify an embargo period of two years or longer for "compelling circumstances." At that time, Council recommended that the policy 1) include more flexibility concerning the length of embargoes; 2) permit students to request an initial embargo period of up to six years; 3) clarify the definition of "compelling circumstances"; and 4) include an "opt-out" clause.

We understand that the policy was revised to allow all student authors to opt-in to a two-year embargo initially, with the possibility for additional renewals of up to two years each. The policy also clarifies the process for making and approving embargo extension requests, creates a consistent process for all campuses, and maintains the provision that all student theses and dissertations must eventually be made publically available.

Council appreciates the additional flexibility in the revised policy; however, we believe it needs further revisions that allow for greater variation and customization across disciplines and that makes the process for requesting extensions more flexible and student-friendly. First and foremost, we recommend including options for longer-term embargo periods at the time of filing, including a six-year option for book-based fields. A two-year embargo in some disciplines, particularly book-based fields, is too brief, could hurt students' publication chances, and expose them to the risk of copyright infringement. The appropriate embargo period may also vary within particular fields, depending on the content and sensitivity of the research. For example, students working with classified information may need to request an indefinite embargo. In addition, given these complexities, consideration should be given to establishing a default initial embargo period, rather than requiring students to opt-in to an initial embargo, to provide time for students to determine what the appropriate official embargo period should be.

Council also recommends giving students more independent control over decisions about an embargo extension, given that dissertations are a degree requirement and that requesting additional extensions from a dean or dissertation chair could burden some students. The balance of decision-making should be with the student, unless there are data or other intellectual property of the faculty in the dissertation, which requires their input to be considered equally. In that situation, the appropriate oversight body should adjudicate the differing requests.

Finally, we emphasize the need to have processes in place on all campuses that ensure clear communication to students about the new policy, particularly the steps needed to obtain an embargo, as well as a mechanism to inform students about the pending expiration of an embargo.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in brown ink, appearing to read "R. C. May".

Robert C. May, Chair
Academic Council

Encl.

Cc: Academic Council
Senate Directors



March 12, 2019

ROBERT MAY
Chair, Academic Council

Subject: Proposed Presidential Policy on Open Access for Theses and Dissertations – 2nd review

Dear Robert,

On February 25, 2019, the Divisional Council (DIVCO) of the Berkeley Division considered the proposal cited in the subject line, informed by commentary of our divisional committees on Academic Freedom (ACFR), the Library (LIBR) and Graduate Council (GC).

DIVCO's discussion echoed the commentary and recommendations of the GC report, which is appended in its entirety. Specifically, we endorse the following:

We recommend that the policy be revised to include an option at the time of filing for a six-year embargo for those students who anticipate the need for a longer embargo period. This length of time has the support of a learned society in a book-based discipline. While Graduate Council recognizes that this recommendation may delay public access to UC scholarship, the committee sees the two-fold benefit as worthwhile. First, it prioritizes the welfare of our students by adequately protecting their intellectual property and career trajectories. And second, this up-front request for a longer embargo period will ease the administrative burden on faculty, department chairs, and the Dean of the Graduate Division.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Spackman'.

Barbara Spackman
Chair, Berkeley Division of the Academic Senate
Cecchetti Professor of Italian Studies and Professor of Comparative Literature

Encl.

cc: John Battles, Chair, Graduate Council
C. D. Blanton, Chair, Committee on the Library
Ty Alper, Chair, Committee on Academic Freedom
Sumei Quiggle, Associate Director staffing Graduate Council
Sumali Tuchrello, Senate Analyst, liaison to the Committee on the Library
Linda Corley, Senate Analyst, liaison to the Committee on Academic Freedom



February 20, 2019

BARBARA SPACKMAN

Chair, Berkeley Division of the Academic Senate

*Re: GC Comments on Second Review of Proposed Presidential Policy
on Open Access for Theses and Dissertations*

Dear Chair Spackman:

The Graduate Council discussed the second systemwide review of the Proposed Presidential Policy on Open Access for Theses and Dissertations at its February 4, 2019 meeting. Graduate Division Associate Dean Eric Falci joined our meeting at the Council's request. Dean Falci provided valuable context regarding the development of the policy and concerns raised during the first review.

The Graduate Council supports UC's commitment to extending open access to the scholarship of its academics. At the same time, we recognize that a student may have legitimate interest in delaying public access to their thesis or dissertation. The revised draft takes into account earlier concerns that publishers may be reluctant to publish manuscripts available in an open-access repository. By default, the new Berkeley policy withholds dissertations from open-access for two years and permits the Dean of the Graduate Division to extend the embargo with multiple two-year extensions. The process requires a request by the dissertation chair or equivalent (e.g., chair of the department or member of the dissertation committee) on the student's behalf with an explanation of the need for the extension.

The new draft is a major improvement with provisions that better protect students' academic interests. The request for extensions is made more routine and transparent. However we would prefer that there be an initial option for students to request a longer embargo at the time of completion. Based on the experience of colleagues from "book-based" disciplines, it almost always takes more than two years to convert dissertation research into an academic book. The American Historical Association recommends a six-year embargo, corresponding to the normal term of an assistant professor appointment to the point of tenure and publication of a revised dissertation. Otherwise, in practice, a student may need to arrange multiple extensions before their dissertation research appears in an academic press.

We recommend that the policy be revised to include an option at the time of filing for a six-year embargo for those students who anticipate the need for a longer embargo period. This length of

time has the support of a learned society in a book-based discipline. While Graduate Council recognizes that this recommendation may delay public access to UC scholarship, the committee sees the two-fold benefit as worthwhile. First, it prioritizes the welfare of our students by adequately protecting their intellectual property and career trajectories. And second, this up-front request for a longer embargo period will ease the administrative burden on faculty, department chairs, and the Dean of the Graduate Division.

Sincerely,

A handwritten signature in black ink, reading "John J. Battles". The signature is written in a cursive style with a large, stylized "J" and "B".

John J. Battles
Chair, Graduate Council



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

March 13, 2019

Robert May
Chair, Academic Council

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

Dear Robert:

The second iteration of the proposed Presidential Policy on Open Access for Theses and Dissertations was forwarded to all standing committees of the Davis Division of the Academic Senate. Eight committees responded: Academic Freedom (CAFR), Graduate Council, Library, Research (COR), and the Faculty Executive Committees (FEC) of the College of Agricultural and Environmental Sciences (CAES), the College of Engineering (COE), the College of Letters and Science (L&S), and the School of Veterinary Medicine (SVM).

Overall, committees support the proposed policy but raised a few concerns. CAFR and Graduate Council note that confusion could arise from proposed language in section IV.A, which Graduate Council believes could allow “all existing local policies to remain unchanged under the new systemwide policy.” As CAFR notes, if a campus has a five-year embargo cap like UC Davis, would such a cap be “inconsistent with the systemwide policy” or considered an embargo period “of a different length” which “may continue to apply”?

Graduate Council thinks the proposed policy could be inconsistent with the [Presidential Policy on Open Access](#). That policy defines graduate students as “University Authors” in section II, who then, by virtue of Section III.B.2, “Scope and Waiver (Opt-Out),” could be eligible for a waiver to opt-out of open access publishing of their theses and dissertations. A related concern, notes Graduate Council, are cases where graduate students co-author work with their major professors, which could cause “conflicts in author rights” between the proposed policy and the Presidential Policy on Open Access.

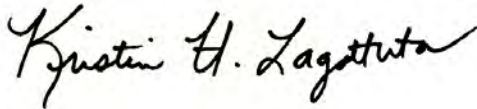
Graduate Council is also concerned by section III.D of the proposed policy, which omits the role of graduate students in requesting extensions to embargo periods. To include graduate students in the process, while simultaneously recognizing that conflicts could occur when including multiple parties in extension requests, Graduate Council suggests the following language in III.D: “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 student or dissertation chair (or other appropriate authority overseeing the thesis or dissertation at issue) for each two-year embargo extension request. If there is a dispute between the student and dissertation chair (or other appropriate authority overseeing the thesis or dissertation at issue) regarding the embargo extension request, a Graduate Dean (or delegee of the Dean) may resolve the dispute.”

Lastly, the Library Committee believes that an opt-out clause should be included for students who “do not wish to have their theses and dissertations electronically published by UC (with the provision that these students would deposit a copy of their dissertation with their campus library)....We believe that students should be given an opt-out option because UC recognizes that both faculty and students have copyrights in their work. However, while the UC Academic Senate Policy grants UC faculty the right to opt-out and the UC Presidential Policy on Open Access grants faculty the right to receive an ‘embargo of any length’ (which effectively amounts to an opt-out), the proposed policy concerning theses and dissertations does not grant those same options to graduate students.”

Although not included in the comments from committees, I would like to add that the proposal does not include information about whether the graduate student is responsible for paying for open-access fees or whether that charge would be covered by another funding source.

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Kristin H. Lagattuta". The signature is written in a cursive, flowing style.

Kristin H. Lagattuta, Ph.D.
Chair, Davis Division of the Academic Senate
Professor, Department of Psychology and Center for Mind and Brain

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate
 Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
 Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

To: Kristin Lagattuta, Chair, Davis Division of the Academic Senate

From: Brian Soucek, Chair, Committee on Academic Freedom and Responsibility

Date: February 27, 2019

Re: Committee on Academic Freedom and Responsibility Response to the Request for Consultation
Second Systemwide Review of Proposed Presidential Policy on Open Access for Theses and
Dissertations

The Committee on Academic Freedom and Responsibility (CAFR) reviewed the RFC: Second Systemwide Review of Proposed Presidential Policy on Open Access for Theses and Dissertations. The committee overall agreed with the proposed changes to the policy. However, the committee noted a possible confusion that could arise from Section IV.A, which allows each campus to develop local policies “not inconsistent with the systemwide policy,” and adds that “[i]f an existing local policy provides embargo periods of a different length compared to the periods specified above, such local policy’s embargo periods may continue to apply.” The committee was unsure how these provisions would apply to UC Davis’s current local policy, which states: “Students may request to embargo the manuscript for a period of more than two years, but not to exceed five years.” Given that the systemwide policy allows for unlimited two-year extensions, is Davis’s five-year cap “inconsistent with the systemwide policy,” and thus superseded,? Or is the Davis cap instead an “embargo period[] of a different length” which “may continue to apply” under the terms of the new systemwide policy?

February 21, 2019

TO: Academic Senate Chair Kristin Lagattuta

RE: Comments on the UC Open Access for Theses and Dissertations Policy

The revised UC Open Access for Theses and Dissertations Policy was discussed in both Graduate Council and the Academic Planning and Development subcommittee of the Graduate Council. During these discussions several concerns were raised.

First, there was concern that the UC Open Access for Theses and Dissertations Policy is not consistent with the [UC Presidential Open Access Policy](#). In Section II UC Presidential Open Access Policy, students are covered by the Presidential Policy: “**University Authors:** Non-Senate employees and students of the University of California who author scholarly articles while employed by the University of California. University Authors are covered by this policy whether or not they own the copyright in an article...” In Section III. B. “University Authors Who Own the Copyright to their Scholarly Works” states: “This policy applies to all scholarly articles authored or co-authored while the person is an employee of the University of California except for any articles published before the adoption of this policy and any articles for which a University Author entered into an incompatible licensing or assignment agreement before the adoption of this policy. Upon express direction by a University Author, application of the license will be waived for a particular article or access to the article will be delayed for a specified period of time.” This appears to imply graduate students should be eligible for a waiver or to opt-out of open access publishing of their theses and dissertations.

A related concern regards student-faculty co-authored work. Work in theses or dissertations may subsequently be published in whole or part with co-authors such as the major professor. In such cases, there may be conflicts in author rights between the proposed policy and the UC Presidential Open Access Policy.

Second, regarding the policy itself, UC Open Access for Theses and Dissertations Policy appears to be more of a guideline rather than a systemwide policy. The issue is the addition of the sentence “If an existing local policy provides embargo periods of a different length compared to the periods specified above, such local policy’s embargo periods may continue to apply.” (Section IV. A.) This could allow all existing local policies to remain unchanged under the new systemwide policy.

Third, Section III. D. leaves out the role of graduate students in requesting extensions to embargo periods.

“A Graduate Dean (or designee 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.”

Because graduate students hold copyright to their theses and dissertations, the role of the student in requesting extensions to embargo periods must be included. We recognize that by including multiple parties in possible extension requests (as suggested below), conflict may arise. If a conflict occurs, resolution of such conflicts may be decided by a graduate dean (or designee of the Dean). For example, to reflect these facts, the sentence in questions could be rewritten:

“A Graduate Dean (or designee of the Dean) may extend the embargo for additional two-year periods upon receiving a letter of request from the student or dissertation chair (or other appropriate authority overseeing the thesis or dissertation at issue) for each two-year embargo extension request. If there is a dispute between the student and dissertation chair (or other appropriate authority overseeing the thesis or dissertation at issue) regarding the embargo extension request, a Graduate Dean (or designee of the Dean) may resolve the dispute.”

The UC Davis Library Committee Response to “Second Systemwide Review of Proposed Policy on Open Access for Theses and Dissertations”

We ask to include an "opt-out" clause for those students who, for whatever reasons, do not wish to have their theses and dissertations electronically published by UC (with the provision that these students would deposit a copy of their dissertation with their campus library). An opt-out clause would probably take care of several of the problems concerning the management of the embargoes and their renewals. We believe that students should be given an opt-out option because UC recognizes that both faculty and students have copyrights in their work. However, while the UC Academic Senate Policy grants UC faculty the right to opt-out and the UC Presidential OA Policy grants them the right to receive an "embargo of any length" (which effectively amounts to an opt-out), the proposed policy concerning theses and dissertations does not grant those same options to graduate students. (It provides them with a limited embargo, but not an embargo of any length, or an opt-out). It seems only fair to provide the students the same options that UC grants to the faculty. If not, UC should explain the differential treatment it plans to give to these two categories of stakeholders.

February 26, 2019

Robert May, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

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

Dear Chair May,

At its meeting of February 19, 2019, the Irvine Division's Senate Cabinet conducted its second review of the proposed Presidential Policy on Open Access for Theses and Dissertations. In this round of review, the Graduate Council and Council on Research, Computing and Libraries reviewed the proposal prior to Cabinet review. Based on discussions within the Councils and the Senate Cabinet, the Irvine Division identified the following concerns:

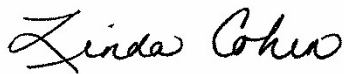
- Appropriate education for faculty and students alike is needed to ensure that they are aware of the default (to automatically opt in for online publication upon submission of the student thesis) as well as of the process for obtaining an embargo. Students and advisors should be advised to discuss how online publication may impact other members of a lab and/or future publishing opportunities.
- Authors should be reminded when an embargo will be expiring and provided with instructions to request renewal if desired.
- The option for an indefinite embargo should not be restricted to truly “extraordinary circumstances.” Rather, it should simply be enacted by mutual agreement between the student/author and advisor.
- In Section IV. A. Authority, when referring to local policy for embargo periods, the word “may” should be changed to “will” to allow for local policy to supersede Systemwide policy. The revised text would read “If an existing local policy provides embargo periods of a different length compared to those described in this policy, such local policy’s embargo periods *will* continue to apply.”
- We support former Academic Council Chair Shane White’s recommendations that:
 - There should be increased flexibility in the length of embargoes that allows for variation across disciplines.
 - Students should be required to make an affirmative selection with their thesis or dissertation submission of a two-year embargo, no embargo, or an infinite embargo – that is, a waiver allowing a student to opt-out of the open access requirement altogether (and the two-year waiver option should have a mechanism allowing it to be extended).
- As written, Section III. D. Delay of Open Access/Embargo places an onerous burden on both students and their committee chairs, especially for students in the Humanities. It remains



exceptional for a Ph.D. recipient in the Humanities to be ready to publish a book in fewer than six years following receipt of the degree. This means that many students will be forced to renew their embargo with help of their committee chair and the Graduate Dean at least three times. All that these students and their chairs will be able to reference when doing so is the general disinclination of academic presses to publish dissertations made available online. During the first and second and possibly even third request for an embargo, the student would not have yet established a relationship with a particular press. Asking a student to renew the embargo every two years and requiring specific justification for doing so makes little sense and needlessly produces hoops through which advisors and Deans must jump.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Linda Cohen". The script is cursive and fluid, with the first name "Linda" and last name "Cohen" clearly legible.

Linda Cohen, Chair
Academic Senate, Irvine Division

Enclosures: CORCL Memo dated 2/8/2019
GC Memo dated 1/17/2019

C: James Steintrager, Chair Elect, Academic Senate, Irvine Division
Hilary Baxter, Executive Director, Academic Senate
Kate Brigman, Executive Director, Academic Senate, Irvine Division
Laura Gnesda, Analyst, Academic Senate, Irvine Division

February 8, 2019

LINDA COHEN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

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

At its meeting on January 17, 2019, the Council on Research, Computing, and Libraries (CORCL) conducted its second review of the proposed Presidential Policy on Open Access for Theses and Dissertations.

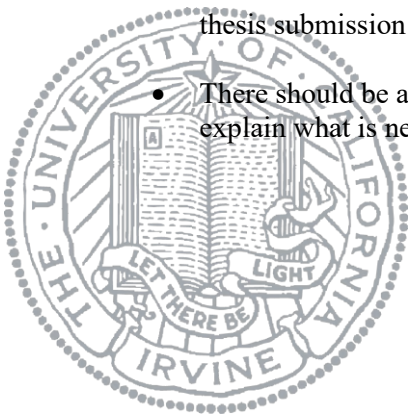
Under the proposed policy, each campus will be responsible for the submission of theses and dissertations to the California Digital Library effectively making them publicly available via the eScholarship digital repository.

In CORCL's initial review of this proposal, the Council expressed concerns that this policy represented an infringement on students' intellectual property rights. It was suggested that instead of being required to submit work into the open access repository, authors should be given the option to opt out. Additional concerns were raised about ambiguity of "compelling circumstances" as a determinant for extending an embargo.

The revised draft policy maintains that the requirement that works be publicly available is in line with current campus policy. In regards to the embargo, it was clarified that a graduate dean may extend the embargo for additional two-year periods upon approval from the dissertation chair or other appropriate authority.

Though CORCL appreciates the responsiveness to earlier concerns and recognizes the need to unify all the UC campuses under one policy, several members of CORCL still had concerns with the proposal. With the aim of balancing principles of open access with the protection of intellectual property, CORCL suggests the following:

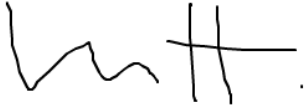
- There must be appropriate education for both faculty and students. At present, many students, and even faculty, may not understand that the default is that they automatically opt in for online publication on submission of the student thesis. How this works should be very clear in the thesis submission process so that the student and their advisor can discuss how the online publication may share group information before a lab is ready to share that information or impact future publishing opportunities of the relevant researchers.
- Measures should be taken to ensure that the process for obtaining an embargo at the time of thesis submission be easy, clear, and explicit.
- There should be a mechanism to remind authors that the embargo will expire soon and to explain what is needed to renew it.



- The option for an indefinite embargo should not be restricted to truly “extraordinary circumstances.” Rather, it should simply be enacted by mutual agreement between the student/author and advisor

The Council appreciates the opportunity to comment.

On behalf of the Council,

A handwritten signature in black ink, appearing to read 'J. Barrett'.

Jeffrey A. Barrett, Chair

c: Kate Brigman, Executive Director
Michelle Chen, CORCL Analyst

January 17, 2019

**LINDA COHEN, CHAIR
ACADEMIC SENATE, IRVINE DIVISION**

RE: Presidential Policy on Open Access for Theses and Dissertations

At its January 10, 2019 meeting, Graduate Council reviewed the proposed Presidential Policy on Open Access for Theses and Dissertations, presented for second systemwide review. Graduate Council previously endorsed the Policy in the first systemwide review in January 2018.

OVERVIEW

This proposal represents a revision of a policy proposal submitted last year that generated areas of concern among some faculty across UC campuses. This revised proposal addresses many of the chief concerns raised in the review of the initial proposal.

The impetus for this proposal relates to the University of California's commitment to the dissemination of research and scholarship generated at the University to as wide an audience as possible, including the general public. The University already has existing open access policies in place for research and scholarship produced by members of the Academic Senate and non-Senate individuals employed by the University. The aim of this policy proposal is to develop a systemwide policy related to the research and scholarship generated by the University's graduate students at all UC campuses.

The principal elements of the proposed policy will require:

1. Theses and dissertations prepared at the University be deposited into an open access repository;
2. Theses and dissertations prepared at the University be freely and openly available to the public subject to a student requested delay of access ("embargo");
3. Students' copyright ownership rights of their theses or dissertations are not affected.
4. Submission by students of the final version of their theses or dissertations to the University before conferral of the graduate degree.
5. A student's right to request a delay of open access.

This policy will apply to all graduate students who author a thesis or dissertation as part of the University graduate degree requirements and does not affect copyright ownership of any thesis or dissertation.



Graduate students may delay the date their theses or dissertations become available in an open access repository by specifying an embargo period of up to two years upon filing. The Graduate Dean (or delegee) may extend an embargo for an additional two years upon receipt of a letter from the dissertation chair or other delegee with the possibility of requesting additional delays of up to two years.

RECOMMENDATIONS AND CONCERNS:

Section IV. A. Authority. “If an existing local policy provides embargo periods of a different length compared to those described in this policy, such local policy’s embargo periods may continue to apply.”

Graduate Council urges that for clarity, the word “may” in the above sentence be changed to “will” to allow for local policy to supersede systemwide policy.

If an existing local policy provides embargo periods of a different length compared to those described in this policy, such local policy’s embargo periods ~~may~~ will continue to apply.

Finally, we register a strong reservation with one particular revision to last year’s proposed policy. In reviewing the policy last year, Academic Senate Chair Shane White wrote the following:

“We recommend including more flexibility in the policy concerning the length of embargoes that allows variation across disciplines. We also recommend that students be required to make an affirmative selection with their thesis or dissertation submission of a two-year embargo, no embargo, or an infinite embargo – that is, a waiver allowing a student to opt-out of the OA requirement altogether. This waiver provision would also help the policy meet its stated goal of aligning the graduate student policy with the Senate and Presidential OA policies. The 2-year waiver option should have a mechanism allowing it to be extended.”

We support this recommendation. And we find that the present proposal does not adequately address its key points.

The current proposal reads in part as follows.

“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 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.”

We feel that this places an onerous burden on both students and their committee chairs. This may be particularly true of students in the Humanities. It remains exceptional for a PhD recipient in the Humanities to be ready to publish his or her book in fewer than six years after receiving that degree. This means that students will be forced to renew their embargo, with the chair's help, and then the graduate dean's, every two years. All that these students and their chairs will be able to reference when doing so is the general disinclination of academic presses to publish dissertations made available online--during the first and second and possibly even third request for an embargo, the student would not have yet established a relation with a particular press. Asking a student to renew the embargo every two years, while also providing specific justifications for doing so, makes little sense, and needlessly produces hoops through which advisors and deans must jump.

Graduate Council appreciates the opportunity to comment.

On behalf of the Graduate Council,



Glen Mimura, Chair

c: Kate Brigman, Executive Director, Academic Senate
Thao Nguyen, Graduate Council Analyst

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 delegate 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



OFFICE OF THE ACADEMIC SENATE
KURT SCHNIER, CHAIR
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-7954

MARCH 12, 2019

ROBERT MAY, CHAIR, ACADEMIC COUNCIL

RE: PROPOSED *PRESIDENTIAL POLICY ON OPEN ACCESS FOR THESES AND DISSERTATIONS*

Dear Robert:

The proposed *Presidential Policy on Open Access for Theses and Dissertations* was distributed for comment to standing committees and school executive committees of the Merced Division of the Academic Senate. The Committee on Research, the Committee on Faculty Welfare and Academic Freedom, Graduate Council, the Library and Scholarly Communications Committee, Undergraduate Council, and School of Engineering Executive Committee provided comments or otherwise endorsed the policy. The remaining committees appreciated the opportunity to opine but declined to comment.

In general, committees supported the revised policy. At its March 4, 2019 meeting, however, Divisional Council declined to endorse the revised policy citing the following two concerns raised by both Graduate Council and the Library and Scholarly Communications Committee.

1. Members continue to feel strongly that the initial embargo period should be longer, up to six years, in order to accommodate the diversity of publication conventions among disciplines. Members note that students in fields where monographs are the standard will regularly require an extension, and likely multiple extensions, as it can take several years to publish a dissertation as a book.
2. The second sentence of Section III.D. stipulates that a request to extend an embargo period beyond two years must come from the dissertation chair (or other appropriate authority overseeing the thesis or dissertation at issue). Because students are the authors of their theses and dissertations and therefore hold the copyright, members believe that students should be allowed to request that an embargo be extended independently of their advisors.

The Merced Division hopes these comments are helpful, and thanks you for the opportunity to opine.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kurt Schnier".

Kurt Schnier, Chair
Divisional Council

CC: Divisional Council
Hilary Baxter, Executive Director, Systemwide Academic Senate
Laura Martin, Executive Director, Merced Senate Office

Encl (7)

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ACADEMIC SENATE, MERCED DIVISION
GRADUATE COUNCIL
LEROY WESTERLING, CHAIR
lwesterling@ucmerced.edu

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FEBRUARY 25, 2019

TO: KURT SCHNIER, CHAIR, DIVISIONAL COUNCIL

FROM: LEROY WESTERLING, CHAIR, GRADUATE COUNCIL

A handwritten signature in cursive script, appearing to read "Leroy Westerling".

RE: Proposed Open Access Policy for Dissertations and Theses

At its January 31st, 2019 meeting, Graduate Council discussed the second review of the proposed UC systemwide Open Access Policy for Dissertations and Theses. Graduate Council recognizes the underlying ethos of the open access movement as a way to share intellectual work in a more equitable, accessible way for both academia and the general public.

Members had several comments to improve the policy as a whole and endorsed a motion to add two suggested changes to the policy. These amendments would help preserve the autonomy of producers of academic research amidst the shift towards open access content alongside traditional academic publishing, the latter of which remains the most accepted and widely-used measure for academic hiring and promotion purposes. GC suggests the following two changes to Section 3, paragraph D of the attached document:

- It should be the purview of the author and/or their committee chair, rather than their academic advisor or program administrator, to request an embargo on their dissertations and theses from open access publication after graduation.
- The embargo of theses and dissertations from open access publication should be lengthened to serve those disciplines where monographs, which often take more time to go to press, are the main form of publication. Specifically, the stated length of the embargo, two years, should be increased to three to five years' time.

Members agreed that these two revisions would create a greater sense of control by junior scholars entering the academic job market and navigating the hiring processes, a nod to efforts to create equitable and accessible academic cultures that echo the ethos of openness shared by the open access policy itself.

GC appreciates the opportunity to opine.

CC: Graduate Council
Senate Office

Enclosed (3)

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATIONS
MARIA DEPRANO, CHAIR
mdeprano@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95344
(209) 228-4369; fax (209) 228-7955

February 26, 2019

To: Kurt Schnier, Senate Chair

From: Maria DePrano, Chair, Committee on Library & Scholarly Communications (LASC)

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

LASC reviewed the revised, proposed Presidential Policy on Open Access for Theses and Dissertations. We raise the following two concerns:

First, LASC believes that students should be allowed to request an embargo independent of their advisors, as the students are the authors of their theses and dissertations and are therefore the copyright holder.

Second, LASC reiterates its previous argument from the first round of review of this policy (attached) that the embargo period should be longer, up to six years, in order to allow for flexibility across the disciplines. We recognize that students in the sciences may wish to have their theses or dissertations available immediately. But students in the book fields (humanities and social sciences) may require additional time as dissertations can take several years to be published as a book.

We appreciate the opportunity to opine.

cc: LASC Members
Senate Office

Encl: 2



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

DYLAN RODRÍGUEZ
PROFESSOR OF MEDIA & CULTURAL STUDIES
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: DYLAN.RODRIGUEZ@UCR.EDU

March 12, 2019

Robert May, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

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

Dear Robert,

During our March 11, 2019 meeting, the Executive Council of the Riverside Division engaged the Second Systemwide Review of Proposed Presidential Policy on Open Access for Theses and Dissertations. I have attached all standing committee comments here, and note that there is general support for the policy, although multiple committees raised important questions on the specific matter of the “embargo period.” Executive Council echoed these concerns, and members emphasized that there not necessarily a standard, one-size-fits-all embargo duration that can be applied across the disciplinary and interdisciplinary fields. Some members noted that even within particular fields, the appropriate embargo period may vary significantly depending on the content and sensitivity of the research at hand. I trust this feedback will aid in the further consideration of this policy.

peace

A handwritten signature in blue ink, appearing to read "Dylan Rodriguez".

Dylan Rodriguez
Professor of Media & Cultural Studies and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office



February 11, 2019

To: Dylan Rodríguez, Chair
Riverside Division

From: Paul Lyons, Chair
Committee on Educational Policy

A handwritten signature in black ink that reads "Paul Lyons".

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

The Committee on Educational Policy (CEP) reviewed the proposed Presidential Policy on Open Access for Theses and Dissertations at their February 8, 2019 meeting and did not note any concerns with the proposal related to the Committee's charge of Undergraduate Education.

Members did note concern that the proposed two year embargo terms are problematic as they could potentially negatively impact scholars' future publications and may not be of sufficient duration to protect the intellectual property of scholars in some fields.

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EXECUTIVE COMMITTEE:
COLLEGE OF HUMANITIES, ARTS, AND SOCIAL SCIENCES

RIVERSIDE, CALIFORNIA 92521-0132

January 31, 2019

TO: Dylan Rodriguez, Chair
Academic Senate

FROM: Johannes Endres, Chair
CHASS Executive Committee

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

The CHASS Executive Committee discussed the Second Systemwide Review of Proposed Presidential Policy on Open Access for Theses and Dissertations at the regular meeting on January 23, 2019. The committee suggested that the procedures (up to a 5-year embargo allowed, and anything above 2 years needs specific approval) for submission of a dissertation at UC Riverside should be made into a policy, while the document as is reads: "Not stated as policy but rather as procedures to submitting dissertation." Otherwise, there were no objections and the committee approved the proposed policy.

Johannes Endres, Chair
CHASS Executive Committee



February 20, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Louis Santiago, Chair, Executive Committee
College of Natural and Agricultural Science

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

The CNAS Executive Committee discussed the Proposed Presidential Policy on Open Access for Theses and Dissertations report at its February 5, 2019 meeting. Overall, the committee understands the importance of making information from a public institution available as soon as possible. However, there was a concern brought up that there is no mechanism for faculty advisors of finishing masters and doctoral students to weigh in on whether the thesis or document should be embargoed. Additionally, there was concern over where in the thesis and dissertation filing process the student requests an embargo. This is important because the default is to release theses and dissertations immediately, so if that step were missed, it could lead to premature publication of results.

Sincerely,

A handwritten signature in black ink that reads "Louis Santiago".

Louis Santiago, Chair
CNAS Executive Committee



January 23, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Djurdjica Coss, Chair
Committee on Research

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

The Committee on Research reviewed the proposed presidential policy on Open Access for Theses and Dissertations. The committee noted that under the “Approval of Extended Embargo Period” section stating “upon receiving a letter of request from the dissertation chair or other appropriate authority overseeing the thesis or dissertation at issue, such as a Principal Investigator (P1)” that the graduate student should also be included and allowed to request extension of the embargo.



PLANNING & BUDGET

March 7, 2019

To: Dylan Rodriguez, Chair
Riverside Division

From: Katherine Kinney, Chair 
Committee on Planning and Budget

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

Planning & Budget (P&B) discussed the proposed presidential policy on open access for theses and dissertations at their February 19, 2019 meeting. Members expressed general concern that open access could affect long term research results with open access to short term research publications. They understood that a thesis publication belongs to the graduate student, but the publications are based on small or short-term parts of a long-term faculty research project.

A majority of members felt the UCR Policy or UC Policy should be the same as the UC Berkeley policy, in which a two-year embargo is by default (versus a suggestion to have students choose to opt in). This seems to be the most reasonable policy so that faculty have a sufficient amount of time to use research findings before being made public. Members felt that there should be consultation and agreement with all of the stakeholders (including the faculty advisor) during the process. If there was a default two-year embargo, this gives all parties an opportunity to settle issues before publication/findings become public.



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Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

March 12, 2019

Robert May, Chair
Academic Council

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

Dear Robert,

The Santa Cruz Division has discussed the second systemwide review of the proposed Presidential Policy on Open Access for Theses and Dissertations. Responses were received from the Committees on Academic Freedom (CAF), Academic Personnel (CAP), Faculty Welfare (CFW), Library and Scholarly Communication (COLASC), Research (COR), and the Graduate Council (GC). The Senate appreciates the time, consultation, and care that went into drafting this second draft of the policy.

CAF, CAP and COLASC suggest the automatic embargo period of 2 years should be extended to 5 years. CAF states, "In our view, the proposed Open Access Policy should provide more, not less, protection for research results than the current option. A two-year embargo may be sufficient in disciplines where scholars are filing for patents; it is insufficient in the Humanities, Social Sciences, and Arts." CFW echoes this sentiment when they ask, "Why would UC want to adopt a policy that is more restrictive than the current Open Access policies at several UC Campuses?" Committee responses also proposed having an automatic default embargo period to provide time for students to determine what the appropriate official embargo period should be.

The committees unanimously reiterated their concerns that the embargo period be extended solely by the dissertation advisor. Graduate Council recommends that "the request for an extension of the embargo should come from the dissertation author/student, as owner of the copyright." CAP further underscores this when they assert, "these decisions should be [placed] in the hands of graduate students (in consultation with their advisors), not in the hands of administrators," and COR similarly supports this position, remarking that, "ultimately, we wish to support our students and to ensure that it is their best work that moves toward publication rather than a rushed effort under pressure."

Lastly, the Division stressed the critical importance of informing students once the policy is finalized. CAF points out, "Let us be clear - we support Open Access. But we do not want it to harm the most vulnerable among us - untenured scholars whose disciplines have long publication timelines and who work, in the age

of online scholarship, is easily appropriated.” CAP additionally suggests that there be a formal review of the policy by campus Graduate Student Associations.

The Division supports the proposed policy with the recommended changes—the vast majority of which the Division suggested during the review of the first draft—prior to its implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Lau", written in a cursive style.

Kimberly Lau, Chair
Academic Senate
Santa Cruz Division

cc: Gail Hershatter, Chair, Committee on Academic Freedom
Lynn Westerkamp, Chair, Committee on Academic Personnel
Grant McGuire, Chair, Committee on Faculty Welfare
Gina Dent, Chair, Graduate Council
Karen Ottemann, Chair, Committee on Library and Scholarly Communication
Jarmila Pittermann, Chair, Committee on Research



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March 12, 2019

Professor Robert May
Chair, Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

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

Dear Robert:

The proposed Presidential Policy on Open Access for Theses and Dissertations was circulated to standing Senate committees for review, and was discussed at the San Diego Divisional Senate Council's meeting on March 4, 2019. Overall, the San Diego Divisional Senate Council endorsed the proposal. Please see the attached response from the San Diego Divisional Committee on Library for additional questions and suggestions.

Sincerely,

A handwritten signature in cursive script that reads "Robert Horwitz".

Robert Horwitz, Chair
Academic Senate, San Diego Division

Enclosure

cc: M. Corr R. Rodriguez

ACADEMIC SENATE: SAN DIEGO DIVISION, 0002
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FAX (858) 534-4528

February 19, 2019

ROBERT HORWITZ, CHAIR
Academic Senate, San Diego Division

SUBJECT: Second Review of Proposed New Open Access Policy – Theses & Dissertations

Dear Chair Horwitz,

The Committee on Library (COL) reviewed the proposed revisions to the open access policy for theses and dissertations. The second review of the proposed revisions is intended to resolve prior concerns and to answer remaining questions from the previous review.

Overall, the committee members pointed out that the proposed revisions do not significantly impact UC San Diego because the current, divisional policies are aligned with the proposed policy. Members explained that UC San Diego currently has a one-year embargo period upon initial request, renewable by petition to the Dean of the Graduate Division. Members were supportive of the proposed revisions and commented that the modification to allow embargoes in a more routine manner in two-year increments appropriately addresses the concerns raised by commenters in the previous review period. In addition, members supported the policy's preservation of the requirement to make theses and dissertations publicly, electronically available, preventing graduate students from opting out of an electronic open access publication.

Members commented on section *III. B. Open Access License Grant*, which states:

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 freely and publicly available in an open access repository in any medium.

A member wondered if the use of the phrase “in an open access repository” is in any way restrictive of how the University might intend to make this content available in the future? For example, is there anything about this statement that precludes other forms of electronic dissemination or preservation? Similarly, a member suggested that the policy of *III. B. Open Access License Grant* might be clarified if the language was revised by replacing, “for the purpose of making the student's thesis or dissertation authored at the University freely and publicly available in an open access repository in any medium” with “for the purposes of dissemination and preservation, including any future migration of content to new formats.”

Regarding sections *III. C. Submission of Theses and Dissertations* and *III. D. Delay of Open Access/ Embargo*, a member suggested that the policy could be improved if it differentiated the

embargoing of the thesis/ dissertation and its metadata. The member suggested that the thesis or dissertation may be embargoed, but the metadata regarding the thesis or dissertation could and should be made available. Students could choose to make their metadata open while not having the content itself released.

Sincerely,

Nina Zhiri, Chair
Committee on Library

cc: M. Corr R. Rodriguez

March 1, 2019

ROBERT HORWITZ, CHAIR
Academic Senate, San Diego Division

SUBJECT: Addendum to February 19, 2019 Committee on Library Response - Second Review
of Proposed New Open Access Policy – Theses & Dissertations

Dear Chair Horwitz,

Some committee members echoed interest expressed by other UC committees during the last University Committee on Library and Scholarly Communication (UCOLASC) meeting (on Feb. 13, 2019) in deciding for a 6 year automatic embargo for dissertations after graduation. They believed that it would benefit Arts and Humanities and Social Sciences PhDs. However, some were concerned that such an embargo would be to the disadvantage of PhDs from other divisions, and wondered if it would be possible to have a policy tailored for different divisions.

Members wondered if it would be possible to change the policy concerning who is responsible for requesting the embargo, and its renewal every 2 years. Should the responsibility of approving the continuation of the embargo (or lifting it) rest fully with the student, not the faculty advisor? If so, when should the transfer of responsibility from advisor to student be in effect?

Sincerely,

Nina Zhiri, Chair
Committee on Library

cc: M. Corr R. Rodriguez

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David Teitel, MD, Chair
Sharmila Majumdar, PhD, Vice Chair
Vineeta Singh, MD, Secretary
Jae Woo Lee, MD, Parliamentarian

March 14, 2019

Robert C. May, PhD
Chair, Academic Council
Systemwide Academic Senate
University of California Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

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

Dear Robert,

The San Francisco Division of the Academic Senate recently reviewed the revised proposed Presidential Policy on Open Access for Theses and Dissertations. This proposed policy will allow UC to obtain a limited license to permit electronic theses or dissertations authored by UC graduate students to be available in an open access repository, overcoming the current lack of a systemwide policy for ensuring open access to UC graduate students' theses and dissertations.

As was the case in the previous review, the San Francisco Division supports the revised Presidential Policy, with UCSF's Graduate Council restate their support for the policy as written. While UCSF's own embargo period is only one year, we appreciate the flexibility written into the revised Presidential Policy to allow up to a two-year embargo period.

Thank you for the opportunity to review this important proposed policy. If you have any questions, please let me know.

Sincerely,



David Teitel, MD, 2017-19 Chair
UCSF Academic Senate

Encl. (1)

CC: Sharmila Majumdar, Vice Chair, UCSF Academic Senate
Roland Mullins, Chair, UCSF Graduate Council
Hilary Baxter, Executive Director, UC Academic Senate

March 7, 2019

David Teitel, MD, Chair
UCSF Academic Senate
500 Parnassus Avenue,
San Francisco, CA

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

Dear Chair Teitel:

The University of California San Francisco Graduate Council reviewed the Proposed Presidential Policy on Open Access for Theses and Dissertations at our January 10th meeting. After a thorough discussion of the policy, the Graduate Council is in full support.

Sincerely,

Graduate Council

R.Dyche Mullens, PhD, Chair
Bjoern Schwer, MD, PhD, Vice Chair
Xin Chen, PhD
Xin Duan, PhD
Susan Fisher, PhD
Carisa Harris-Adamson, PhD
Young-Wook Jun, PhD
Sarah Knox, PhD
Maxence Nachury, PhD

Bethany Phoenix, RN, PhD, FAAN
Minnie Sarwal, MD, PhD
Laura Wagner, PhD, RN, FAAN
Arthur Willsey, PhD
Christine Des Jarlais, EdD, Ex Officio
Elizabeth Watkins, PhD, Ex Officio
Elizabeth Silva, PhD, Ex Officio
Douglas Carlson, JD, Permanent Guest



Committee on Library and Scholarly Communication
Diana Laird, PhD, Chair

February 25, 2019

David Teitel, MD
Chair, UCSF Academic Senate

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

Dear Chair Teitel,

At its February 21, 2019 meeting, the Committee on Library and Scholarly Communication (COLASC) solicited comments from its members on the Second Systemwide Review of the Proposed Presidential Policy on Open Access for Theses and Dissertations (Policy).

COLASC focused its comments on the following Policy revisions:

- 1. Graduate Deans (or designees) have the option to extend the two-year embargo when requested by dissertation chair or chair's designee. Under compelling circumstances, Deans may grant indefinite extensions on the embargo period and embargoes after the dissertation is filed.**

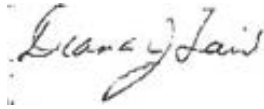
Committee members voiced concerns over granting deans indefinite extensions to learners and the imbalance of power that dissertation advisors hold over copyright content owned by learners. For this reason, members support granting learners and early investigators the authorization to extend the two-year embargo and a path to facilitate closer agreement on the embargo period with their advisor. To encourage appropriate levels of accessibility throughout the thesis and dissertation ecosystem, COLASC supports mechanisms that would permit investigators to accomplish the following:

- Select from a multiple choice menu of multi-year embargo periods, beginning with two years
 - Lower or release the embargo earlier than scheduled
 - Hyperlink the dissertation to the published manuscript on an open access server
- 2. Graduate Deans may develop local policies as long as they are consistent with systemwide policy. If local, existing embargo periods differ in length than the proposed embargo period, the existing local policy may continue to apply.**

Members suggested this language might nullify the intent of aligning divisions under a unified Policy.

Thank you for the opportunity to review the Proposed Presidential Policy on Open Access for Theses and Dissertations. We look forward to working with UCOLASC and the Academic Senate's leadership on local implementation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana J. Laird".

Diana J. Laird, PhD
COLASC Chair
2018-2019

c: Todd Giedt, Executive Director, UCSF Academic Senate



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
Richard A. Schneider, Chair
rich.schneider@ucsf.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

March 12, 2019

ROBERT MAY, CHAIR
ACADEMIC COUNCIL

Re: 2nd Systemwide Review of Proposed Presidential Policy on Open Access for Theses and Dissertations

Dear Robert,

The University Committee on Library and Scholarly Communication (UCOLASC) solicited comments on the Proposed Presidential Policy on Open Access (OA) for Theses and Dissertations from its campus representatives in 2017-18 and 2018-19. UCOLASC also invited members of the Systemwide Electronic Theses and Dissertations (ETD) Task Force to participate in its deliberations.

First and foremost, UCOLASC recognizes that the proposed OA ETD Policy is well aligned with the stated goals of the University, which include disseminating our scholarship as widely as possible and making UC's various research outputs freely available to the public. To this end, UCOLASC supports the intentions of the proposed OA ETD Policy, which in effect would extend the University's existing OA Policies (i.e., Academic Senate and Presidential), to include student theses and dissertations. However as described below, some UCOLASC members have raised concerns that they feel remain to be addressed by the ETD Policy Task Force in order for the needs of all stakeholders to be met.

UCOLASC agrees that having a consistent OA ETD Policy for all ten campuses would be a significant accomplishment and a beneficial outcome of the work of the ETD Policy Task Force. At the same time, such a policy must take into account the idiosyncrasies and work flow of specific disciplines. In particular, some UCOLASC members still objected to the length of time and mechanism proposed for the embargo period. The overall feeling was that the proposed default embargo period (while perhaps more than adequate or even unnecessary for some graduate students, particularly those in the STEM fields) would not be sufficient in certain circumstances. Members felt that students in humanities fields such as history for example, would likely need additional time as a matter of course during the process of turning their theses or dissertations into books or monographs. Members suggested that there be multiple embargo options that students could select from the outset (such as 1, 2, 4, and 6 years) in order to give students adequate time to publish their work. Similarly, others suggested that like the Senate OA Policy, the OA ETD Policy might include a waiver so that students who do not want to make their work available are allowed to do so (*i.e.*, opt out). Members reiterated that because students hold the copyrights in their own works, they should be able to determine the length of an embargo period or apply for a waiver themselves in consultation with and approval from their thesis or dissertation advisors.

Concerns raised at individual campuses were also shared, but we anticipate that those concerns will be conveyed separately from the campuses themselves.

In closing, UCOLASC appreciates the opportunity to participate in the second review of the Proposed Presidential Policy on Open Access for Theses and Dissertations and the committee remains hopeful that its suggestions will be considered and accepted when the final policy is prepared.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard A. Schneider', with a long, sweeping horizontal line extending to the right.

Richard A. Schneider, PhD
Chair, UCOLASC

cc: Kum-Kum Bhavnani, Academic Senate Vice Chair
UCOLASC Members
Hilary Baxter, Academic Senate Executive Director
Jocelyn Banaria, Academic Senate Assistant Director
Michael LaBriola, Academic Senate Analyst



BOARD OF ADMISSIONS AND RELATIONS WITH SCHOOLS (BOARS)

Eddie Comeaux, Chair

eddie.comeaux@ucr.edu

Assembly of the Academic Senate

1111 Franklin Street, 12th Floor

Oakland, CA 94607-5200

Phone: (510) 987-9466

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March 12, 2019

**ROBERT MAY, CHAIR
ACADEMIC COUNCIL**

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

Dear Robert,

The Board of Admissions and Relations with Schools (BOARS) has discussed the proposed Presidential Policy on Open Access for Theses and Dissertations, and we have a few comments that we feel will make the policy clearer. First, greater guidance for the handling of honor theses would be welcome. Second, “lay” guidance for both students and professors would make the proposed policy more accessible. Finally, we feel that in some instances, the embargo may need to extend longer than two years, as some disciplines experience significant delays and move more slowly than others.

Thank you for your consideration.

Sincerely,

Eddie Comeaux

BOARS Chair

cc: Members of the Board of Admissions and Relations with Schools (BOARS)
Executive Director Baxter