Report

of the

San José State University Senate Task Force to Investigate Open Access to Faculty and Student Publications

March 8, 2010

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1. Overview

The repository also provides potential benefits to academic researchers:

Research papers that are freely available online are on average downloaded and cited earlier and more often than those that are not. Depositing academic work in an open access repository therefore increases the profile of an author on a world-wide basis, increasing both the dissemination and the impact of th

Digitization Program: The King Library Digital Collections (http://digitalcollections.sjlibrary.org/) represent rare and unique materials held by San Jose State University Special Collections and the San Jose Public Library's California Room. The collections document the history of the Santa Clara Valley from its agricultural beginnings to the high-tech boom and formation of the Silicon Valley. The range of subjects covered include local politics, social and cultural traditions, education, local business and industry, and historical events. This digital library will stimulate discovery of the rich and diverse resources of the library and will promote new scholarship from our community.

SJSU Open Access Journals Website: The <u>San Jose State University Library</u> is working with scholars to disseminate and provide access to their research and scholarship by providing a virtual server for open access journals. The SJSU Open Access Journals website (http://onlinejournals.sjsu.edu/) hosts journals published under the auspices of SJSU departments and/or edited by SJSU faculty. Currently SJSU faculty members are in the process of publishing premier issues of two open access journals: Asian American Literature: Discourses & Pedagogies and Comparative Philosophy: An International Journal of Constructive Engagement of Distinct Approaches toward World Philosophy.

Task Force History

On March 10, 2008, Sense of the Senate Resolution SS-S08-3 created the Senate Task Force to Investigate Open Access to Faculty and Student Publications, which the members informally call the "Open Access Task Force" (Appendix C). The task force first met in November 2008, and since then has met most months during the academic term.

Over the first six months of its existence, the task force learned about the open access policies of other U.S. universities, and the forces that were leading to such policies, such as the NIH Public Access Policy. The task force co-sponsored a March 2009 visit to SJSU by the executive director of SPARC (Scholarly Publishing & Academic Resources Coalition) to give a presentation on open access and meet with various campus groum -onths I5oy Sh o 0 -Afe a cond[(th

- §2. A Sense of the Senate resolution supporting open access at SJSU. We believe such an official vote of the Academic Senate would make clear the university's position on open access for future senate decisions, as well as specific actions by departments, colleges, or the campus administration.
- §3. Changes to the policy on student theses to make these available to the SJSU online repository, while allowing for embargoes to facilitate publication of work based on the theses.
- §4. Alternatives to encourage dissemination of published faculty research on the repository.
- §5. Informing faculty and other campus affiliated authors on retaining rights to their work when publishing in traditional journals.
- §6. Recommended changes to existing RTP policies to assure that publication in open access journals are evaluated by the same standards as publication in non-open access venues.

The report includes appendices that provide additional background information.

2. Sense of the Senate Resolution

Background

The Open Access Task force was created in March 2008 by Sense of the Senate Resolution SS-S08-3. The task force has met since November 2008, investigating how policies might be created or modified to support open access at SJSU.

It focused on policies that would facilitate open access to knowledge produced at SJSU. Open access researcher Peter Suber (affiliated with the Berkman Center for Internet and Society, Harvard and a Senior Researcher at SPARC) has identified two key principles for universities to support open access.⁴

- 1. Universities should provide open access (OA) to their research output.
- 2. Universities should not limit the freedom of faculty to submit their work to the journals of their choice.

The task force is proposing specific policy changes to encourage both approaches for open access to knowledge produced at SJSU. This includes direct dissemination of SJSU research and other relevant knowledge via SJSU ScholarWorks, and also removing barriers to faculty publishing their own work in open access journals.

The goal of this resolution is to give an overarching policy statement to the committees considering these individual policy changes, so that the specific changes are considered in the context of a broader university commitment to principles of open access.

Suber, Peter. (2008) SPARC Open Access Newsletter, issue #120. http://www.earlham.edu/~peters/fos/newsletter/04-02-08.htm

Recommendation

We recommend that the Senate adopt a resolution similar to the one listed below.

Sense of Senate Resolution

Support for Open Access to Scholarly Work and Research

Whereas: The university supports the Mission of the California State University, which

includes advancing and extending knowledge, learning, and culture,

especially throughout California, and

Whereas: The broad dissemination of knowledge benefits the scholarly community and

the general public, and

Whereas: Economic and legal barriers continue to limit access to knowledge, and

Whereas: The principle of open access is actively being adopted by universities,

professional organizations and federal agencies, and

Whereas: Emerging forms of scholarly work do not depend on traditional publishing

formats, and

Whereas: The SJSU Scholar Works institutional repository serves as an infrastructure

for disseminating and providing access to scholarly work, therefore be it

that the San Jose State University Academic Senate supports the principle of Resolved:

open access to scholarly work and research, and

that the San Jose State University Academic Senate supports new models for Resolved:

scholarly publishing that will promote open access and are consistent with

standards for peer review and scholarly excellence, and

Resolved: that the San Jose State University Academic Senate encourage the university

> to promote the use of the institutional repository — and other new and existing infrastructures — for the dissemination of knowledge created at

SJSU to the local, state and global community.

Resolved: that in an effort to encourage the university to promote the use of the institutional repository, the university provide open access according to a

formal organizational process that shall clearly indicate:

1) which academic unit (such as the Library) will manage acquisition and maintenance of open access material and issue communications regarding

the use of the open access repository;

2) the scope of the term "faculty" in relation to the open access archive;

3) the procedure for notifying faculty how to submit material into the

repository;

4) the nature of the material to be included in the repository;

- 5) a procedure for identifying the costs of maintaining the repository and allocating funds to maintain the repository;
- 6) a unit outside of the repository unit (or the Provost) responsible for

- 1. To allow research collaborators (including research adviser) to publish their work
- 2. To allow sole author to publish work based on the thesis
- 3. To protect patent applications
- 4. "To protect individual rights to privacy because of the thesis subject or when cultural respect is being infringed." 5

Of the CSU campuses examined (Fresno, Fullerton, Long Beach, Los Angeles, SFSU and SDSU) only SDSU mentioned a one year embargo period and Fresno mentioned a 90 day embargo period. Fresno does its submissions and reviews via Blackboard. SDSU has "electronic thesis folios" available.

Below are examples of other universities that have already addressed the issue of embargo policies for online repositories of theses and dissertation, and the corresponding websites:

- Duke University, "Availability of Your Electronic Dissertation,"
 http://gradschool.duke.edu/academics/theses/availability.php
 Duke provides three embargo options are available: 6 months, one year, or two years. This document also provides some scenarios when an embargo should be considered
- Iowa State University, "Embargo/Holds," http://www.grad-college.iastate.edu/thesis/embargo.html

Definition

For the purposes of this section, faculty publications—refers to works produced by persons with SJSU faculty status and excludes work produced by undergraduate and graduate students, except where undergraduate and/or graduate students are co-authors with faculty. Faculty publications also may result from collaborations with authors at other institutions. In addition the term faculty publications is limited to peer-reviewed work that has been published elsewhere and excludes work that is in development.

Existing Senate Policies

SJSU Academic Policy F98-3 (Intellectual/Creative Property Ownership) states, "The primary goals of San Jose State University are to teach, to expand knowledge through scholarly studies and research, to fully disseminate the results of such studies and research, and to perform community service consistent with these goals and the mission of the university. Discovery and dissemination of knowledge represent the core of the academic mission at SJSU; these activities have inherent and essential value to the

SJSU faculty are required to contribute peer-reviewed scholarly work to the SJSU Institutional Repository to facilitate broad dissemination of their research and scholarship, in support of the Mission of the California State University "to advance and extend knowledge, learning, and culture, especially throughout California."

5. Author Rights

This section addresses informing faculty and other university authors about how they can retain rights in their work that will allow redistribution of that work via online repositories and other Open Access venues.

Definition

Authors are granted rights to their work under copyright law. Copyright protection occurs the moment a work is "fixed in a tangible medium." Author rights are retained until some or all are transferred through a written agreement or until the period of copyright protection expires and the work enters the public domain.⁸

Relevance to Open Access

The Open Access movement, which aims to make scholarly literature freely available on the

The promotion of open access to SJSU research and scholarship is dependent upon authors retaining some or all of their author rights. Authors can achieve open access goals by publishing in open access journals or retaining the rights to freely use and share original work published elsewhere.

Existing Senate Policies

SJSU Academic Policy F98-3 (Intellectual/Creative Property Ownership) states, "Copyrightable works produced by authors who are SJSU faculty, staff, or students shall remain with the authors as defined by federal copyright law."

Recommendations

The Academic Senate is encouraged to inform faculty of author rights issues and the desirability of retaining some or all of these rights to facilitate broad dissemination of their research and scholarship in support of the Mission of the California State University. Possible venues for addressing these issues may include the Center for Faculty Development's New Faculty Orientation Program and University Library and Research Foundation workshops.

6. Retention, Tenure and Promotion

This section considers the impact of university'

In reality, open access journals may use the same processes, standards and even individuals (editors and referees) as printed journals. ¹¹ Both open access and printed journals vary widely in their rigor, selectively and impact. The best open access journals practice a peer review process comparable to the best printed journals, and sometimes achieve a higher impact than such journals. For example, PLOS Medicine (established 2004) was in 2008 ranked 6th in impact factor among general medicine journals, after the British Medical Journal but ahead of the Annual Review of Medicine. ¹² Advocates of open access argue that such journals have higher impact than printed journals because their content is more widely distributed.

The task force believes that the university RTP policy should be modified so that faculty publication in open access journals (and online publications more broadly) is treated equal to comparable printed journals. To avoid misunderstanding, this policy should be widely available to candidates, RTP committees and relevant administrators (department chairs, deans, AVP, provost).

Existing Senate Policies

Section II(B) of Senate Policy S98-8 says (in part)

Scholarly achievement includes, but is not limited to, books, articles, reviews, technical reports, computer software, application for and/or awards of grants, or papers read to scholarly associations -- in general, work based on research and entailing theory, analysis, interpretation, explanation, or demonstration.

. . .

Scholarly or artistic or professional achievement should be thoroughly evaluated by one's disciplinary peers, within and/or outside one's department, not merely enumerated. Acceptance of scholarly or artistic work by an editorial or review board (or jury) constitutes an evaluation of that work....

Policies at Other Universities

University of California, Berkeley (March 2005): 13

See Peter Suber, "Open Access Overview," http://www.earlham.edu/~peters/fos/overview.htm June 19, 2007.

^{129 118199}an 3.3(view.)8(htm)]TJ accessble tos9.58 144.78 231.24 0.48 6.48 72 118.740413.3(v104)Tj0 Tc /TT0 1 Tf1(

Advancement and Promotion: All those involved in the process of academic review will not discriminate against alternative venues for scholarly communication. As always, work will be judged based on its individual quality and scholarly content. The role of a publication venue in this process will be assessed according to such criteria as its demonstrated standards, degree of selectivity, and the quality of its peer-review.

University of North Carolina at Chapel Hill (March 2005)¹⁴

Be it resolved that the Faculty Council encourage the Provost to:

. . .

- work with department chairs to review tenure and promotion standards to recognize publishing in non-traditional sources, and
- 4) urge department chairs to discuss the problems in scholarly communications with their faculties.

Recommendations

We found it difficult to improve upon the policies of UC Berkeley and UNC Chapel Hill; both clearly and simply state neutrality (neither for nor against) towards non-traditional publishing venues, of which electronic-only journals (including open access journals) are the most common alternative.

We recommend that Professional Standards Committee consider revision Section 2)B)2) of S98-8 be revised to indicate such neutrality with regards to non-traditional publishing venues.

In anticipation that a revision of S98-8 may be delayed or require many semesters of study, we also recommend that this section be forwarded to the deans of all the colleges, their college RTP committees, and also to the department chairs for distribution to their respective departmental committees. In the ab 0Cud t7romiof 98,In the revisen

Appendix A: Glossary

TERM		DEFINITION
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TERM	DEFINITION
OA	
OA Open Access	[Abbreviation/Acronym] Open Access The scholarly communication reform movement that aims to make scholarly literature freely available on the public web. An umbrella term, open access includes both open access journal publishing and author self-archiving in digital repositories or on personal websites. The Open Access movement aims at improving the dissemination of scientific information. Open access may mean in addition to published articles theses produced by SJSU graduate students or SJSU documents, such as Senate minutes or green sheets (considered as historical artifacts) or Special Collections items or art works and digital performances by SJSU faculty, then the Committee should recommend the scope of the repository, along with a clear statement of purpose for the repository. That is, the repository itself
	"publishes" the manifold work of the faculty at SJSU and serves as a historical archive of the faculty's activity in shaping the university.
Open Access Policy	If "open access" refers to an electronic, web repository of articles published by the faculty, then a policy recommending open access should indicate who is responsible for maintaining an electronic repository of the published articles, how all persons anywhere will gain access to the articles, when faculty are expected to submit articles for open access, and when the repository is expected to post the article after receiving it. A recommendation to establish an open access repository should contain reasonably accurate cost estimates for maintaining the repository and who will pay those costs. The policy should also clarify the consequences of failing to comply with the policy. University libraries are frequently the curators of open access policies, but oversight of the policy is usually the responsibility of another unit, such as the Office of the Provost, the Office of Graduate Studies and Research, or the Office of Information Technology. See also "Encourage Policy" and "Mandate Policy."
Ownership	Refers to control over the distribution, organization, and identity of property. Ownership also sometimes includes responsibility for the creation of property: owners are therefore sometimes authors, although authors are not always the owners of the works they create. Open access allows institutions (such as a university) to provide access to materials created by owners. However, open access also means that users of such materials may freely redistribute it after access, reducing (or eliminating) the ability of the owner to charge for access to that work.
Peer Reviewed	An evaluation process in which a journal article submitted for publication undergoes critical review by experts in the article's subject area (also known as referees) before it is ultimately published.
Preprint	

TERM DEFINITION

Appendix B: Open Access Policies at Other Universities

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School	URL
Case Western University (2005)	http://www.case.edu/president/facsen/frames/committees/library/LibraryComReport.pdf
Columbia University (2005)	http://www.columbia.edu/cu/senate/resolutions/04-05/access.htm
Harvard, Faculty of Arts and Sciences (2008)	http://osc.hul.harvard.edu/OpenAccess/policytexts.php
Indiana University (2004)	http://webapp1.dlib.indiana.edu/bfc/view?docld=B39-2004.xml
Stanford, School of Education (2005)	http://ed.stanford.edu/suse/faculty/openaccess.html
University of California, Berkeley (2005)	http://academic- senate.berkeley.edu/archives/documents/statement_of_principles_fo r_web.pdf
University of Kansas (2005)	https://documents.ku.edu/policies/provost/ScholarlyInformation.htm
University of North Carolina at Chapel Hill (2005)	http://www.unc.edu/faculty/faccoun/minutes/M05FC03.htm
University of Virginia (2010)	http://www.virginia.edu/facultysenate/documents/FacultySenateResolutionrevised_9.09meeting_002.pdf

Appendix C: Relevant SJSU Policies

SS-S08-03: Creating Task Force to Investigate Open Access

At its meeting of March 10, 2008, the Academic Senate passed the following Sense of the Senate Resolution presented by Senator Peter for the University Library Board.

SENSE OF THE SENATE RESOLUTION

Calling for a Task Force to Investigat e Open Access to Publications through an SJSU institutional repository, and make appropriate Recommendations

Resolved, That the Academic Senate of San Jose State University should organize a special task force to investigate whether SJSU should adopt a policy concerning Open Access to faculty publications through an institutional repository managed by the University Library; be it further

Resolved, That the special task force should consider whether SJSU has an obligation and/or a need to create an Open Access policy of its own. It should consider, among other things, the examples of the Harvard Faculty of Arts and Sciences [1] in adopting an open access policy, the example of the NIH Public Access policy

and of online subscriptions to electronic journals. Universities have increasingly resented the fact that they hire faculty and fund their research, but that their libraries then have to pay huge amounts of money to access the fruits of this research. It has come to the point that many libraries can no longer afford to subscribe to all the journals in which their own faculty publish—or they can only do so by making inordinate sacrifices elsewhere in their budgets. This is a gross perversion of the ideals of academic freedom, in which the ideas and knowledge of faculty are supposed to be widely disseminated among their peers and colleagues for critical comment and public benefit.

For a number of years, University Libraries and faculty activists have urged that academia begin to take measures to find alternative ways to disseminate faculty knowledge. There

F98-3: Intellectual/Creative Property

See http://www.sjsu.edu/senate/f98-3.htm

S98-8 Appointment, Retention, Tenure and Promotion Criteria...

"S98-8 Appointment, Retention, Tenure and Promotion Criteria, Standards and Procedures for Regular Faculty Employees"

See http://www.sjsu.edu/senate/s98-8.htm

S94-8 Policy on Research, Scholarship and Creative Activity...

"Policy on Research, Scholarship and Creative Activity; Grants; Academic Freedom"

See http://www.sjsu.edu/senate/S94-8.pdf