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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Executive Summary

In 2008,the Academic Senate created a task force to investigate Open Access at SJSU. In addition, the SJSU Library created an institutional repository (SJSU ScholarWorks) for distributed faculty publications, student theses and other SJSU scholarship to the broader community.

This report contains the result of the task force's efforts from November 2008 to March 2010. After providing an overview of Open Access issues at SJSU and among American universities more broadly, it summarizes five recommended policy actions and other changes:

- A Sense of the Senate resolution endorsing Open Access;
- Modifying the policy for student theses, which in the future will be published on SJSU ScholarWorks;
- Encouraging faculty to disseminate their published research on SJSU ScholarWorks;
- Informing faculty authors about retaining residual rights when negotiating with commercial publishers; and
- Modify Retention, Tenure and Promotion guidelines to treat Open Access publications on par with other publications

1. Overview

Open Access Movement

The Open Access Movement is a worldwide effort to provide users with free online access to and use of scholarly and scientific research. Open access is considered a property of individual works but is used to identify the journals, archives, and repositories that make content freely available. Conventional refereed journals and other peer-reviewed sources have been the means for disseminating scholarship and the basis of tenure and promotion decisions for decades.

The interest in open access was partially triggered by the increasing financial burden for libraries of maintaining scholarly journal subscriptions. Currently, libraries can only provide access to a representative sample of journals across the disciplines. Open access resources serve as an alternative distribution model. Scholarly open access literature is not free to produce or publish but is free of charge to users. Various publication models support open access literature and in some cases generate a profit. Open access is compatible with peer review, copyright, and the tenure and promotion process.[1]

Open Access policies have been adopted by a number of American universities, including Columbia, Harvard, Stanford and UC Berkeley (Appendix B). In addition, in April 2008 the National Institutes of Health (NIH) implemented the NIH Public Access Policy (http://publicaccess.nih.gov) requiring all journal articles resulting from NIH-funded research to be accessible on PubMed Central, the NIH open access archive, within 12 months of publication in a journal.

Institutional Repositories

One of the major ways in which open access materials are distributed is through an online digital repository. Clifford Lynch defines a university-based institutional repository as "… a set of services that a university offers to the members of its community for the management and dissemination of digital materials created by the institution and its community members. It is most essentially an organizational commitment to the stewardship of these digital materials, including long-term preservation where appropriate, as well as organization and access or distribution."[2]

An institutional repository provides a number of benefits to a university:
- Captures and preserves the intellectual output of the institution
- Represents the quality of work generated by members of the institution
- Increases the visibility and status of the institution's scholars

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[1] Suber, P. "Open Access Overview" Retrieved from: http://www.earlham.edu/~peters/fos/overview.htm (Last revised June 19, 2007).

[2] Lynch, C. A. Institutional Repositories: Essential Infrastructure For Scholarship In The Digital Age. *portal: Libraries and the Academy* 3.2 (2003) 327-336. Retrieved from: http://muse.jhu.edu/journals/portal_libraries_and_the_academy/v003/3.2lynch.html

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 the research they undertake. Regular submission of an author's work to a repository provides an author with a central archive of their work and a record of publications to add to their CV.[3]

As part of a larger CSU effort to create institutional repositories for each campus, SJSU has implemented **SJSU ScholarWorks** (http://sjsu-dspace.calstate.edu/). The repository provides full-text of student theses. It is also expected that the repository will include faculty scholarship.

SJSU Efforts to Support Scholarly Communication and Open Access

The University Library is often responsible for implementing and maintaining an open access policy, because the repository of open access materials is considered an extension of library information and services. An effective institutional repository represents a collaboration between librarians, teaching faculty and university administrators.

At San José State, the library has worked over the last five years to increase the emphasis on digital collections and has provided leadership in the broad dissemination of university scholarship. The efforts have included:

E-Collections: While within the past six years there has been a steady growth in the library's print collections, two thirds of the library's collection budget is spent on electronic resources, including eBooks, online journals, and citation databases. The electronic books collection has grown to over 54,000 titles. The University Library provides access to 74,000 unique electronic journals through 360 active electronic databases.

Open Access Journals: The library provides access to approximately 26,000 open access journal titles and thousands of other online open access resources from 80 databases, e.g., DOAJ (Directory of Open Access Journals). The databases and the journal titles are listed in the online catalog.

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[3] SPARC Europe. (n.d.) Benefits for the individual. In *Institutional repository: A guide to open electronic archives*. Retrieved from http://www.sparceurope.org/resources/hot-topics/institutional-repositories

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 San Jose State University Library 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 groups.

After conducting this background research, the task force decided to focus on three ways to increase the university's support for open access:
* encouraging students and faculty to make their research available in the SJSU online repository;
* informing faculty about retaining some or all of their author rights to freely use and share original work published elsewhere ; and
* recommending that RTP policy and guidelines recognize publishing in non-traditional sources such as open access journals.

Final Task Force Recommendations

From March 2009 until March 3, 2010, task force members worked individually, in subcommittees and as a whole to draft and refine a series of recommendations to update and augment SJSU policies to be compatible with the widely accepted principles of open access. Wherever possible, we sought to draw upon open access policies from other universities (Appendix C), which reflect both similar investigation and deliberation, but also a balance between open access and other university goals.

The remaining sections of this report includes the following recommendations:

§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.

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[4]   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 ScholarWorks institutional repository serves as an infrastructure for disseminating and providing access to scholarly work, therefore be it

Resolved: that the San Jose State University Academic Senate supports the principle of open access to scholarly work and research, and

Resolved: that the San Jose State University Academic Senate supports new models for 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 monitoring the progress of the repository and for resolving conflicts or uncertainties regarding the operation of the repository.

Resolved: that the Senate will review the university's progress towards implementing Open Access after three years.

3. Student Theses

This section relates to policies requiring students to make their theses available to the SJSU online repository, with particular consideration given to the maximum embargo period that students may elect prior to such online distribution.

Definition

This section considers two issues:
- A student thesis, as defined by Senate policy S94-8 (see Appendix C).
- An embargo of a thesis is defined as a delay in the release of the thesis from the time it is filed with the university to the time it is made available externally on SJSU ScholarWorks.

Relevance to Open Access

Today's researchers expect that material will be available digitally and have demonstrated a clear preference for digital access to research and scholarship. Electronic submission of SJSU theses will serve as an opportunity for the Library to provide digital access to graduate research. The SJSU electronic theses will be available to the worldwide community from SJSU ScholarWorks, the campus open access digital repository which provides full-text of SJSU theses. The theses are also available from any computer on or off campus via the ProQuest Dissertations and Theses subscription database. This resource provides full-text for SJSU theses from 1989 to the present.

The University Library and Graduate Studies and Research are transitioning towards electronic submission and digital archiving of theses in the 2010 spring semester. The electronic format applies to the submittal of a thesis to the university following review and approval by the thesis committee and Graduate Studies & Research and will not affect the review procedures currently in practice which rely on a paper copy.

Open access availability of graduate theses will increase the speed at which research methods and results are shared and enhance the potential benefits of intellectual property. It is anticipated that the electronic format will promote SJSU research and scholarship and align SJSU with other universities providing open access to scholarly communication.

Polices at Other Universities

Many universities allow embargos of theses and dissertations often specifying 6 months, or one or two years. The reasons for the embargos are varied but may include:

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 Iowa State adheres to the ProQuest/UMI 6 month embargo period.
- New Mexico State University – "Embargo of Dissertations or Master's Theses," http://lib.nmsu.edu/aboutlib/policies/policy040.shtml The approved embargo period is 24 months. The document includes a section on conditions for approving an embargo.
- University of Iowa, "Thesis Publishing (ProQuest Agreement)," http://www.grad.uiowa.edu/theses-and-dissertations/thesis-publishing-proquest-contract Student can request an embargo via thesis adviser memo but time periods are not specified.

Existing Senate Policies

SJSU Academic Senate policy S94-8, (Policy on Research, Scholarship and Creative Activity; Grants; and Academic Freedom) will be impacted by open access to graduate theses, specifically the section on Student Research. The policy currently states, "The protection of proprietary data for a period not to exceed 180 days may be applied to student publication."

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[5] New Mexico State University, "Embargo of Dissertations or Master's Theses," http://lib.nmsu.edu/aboutlib/policies/policy040.shtml

Recommendations

It is recommended that the Academic Senate forward this document to the Graduate Studies and Research Committee to consider revisions for Senate policy S94-8, because online dissemination of theses provides wider and more rapid dissemination of thesis information than was anticipated in 1994. While the student theses have always been available to library patrons, the task force has identified several scenarios under which online distribution of a thesis to the World Wide Web might compromise the interests of the student or other researchers.

In particular, we call to the GS&R Committee's attention the following two issues.

1. Student Rights

Current policy stipulates a maximum embargo period of 180 days (6 months). The Task Force considered as reasonable increasing the embargo period from 1 to 3 years, although it could take considerably longer to publish a work. The policy could include a mechanism to extend the embargo (perhaps by petitioning the AVP for GS&R) if the maximum embargo was inadequate and the student was able to show the probability of publishing in a reasonable longer time frame. Students submitting creative work theses, e.g., students in the Creative Writing program, may wish to request a permanent (or indefinite) embargo on the thesis.

Even if the student elects to impose an embargo on the thesis, anyone within the King Library building will have access to the electronic version. In that sense, it is no different than a paper copy available in the library. However, "off campus" full-text access to embargoed theses will also be provided to SJSU students, faculty, and staff, but should not impact the students' ability to publish their theses.

2. Faculty Rights

Online distribution of student theses may also impact the rights and obligations of faculty and others involved in the same research project. For instance, students working in faculty labs and with external collaborators have a responsibility to their colleagues regarding shared data. There may be conflict with the timing of releasing data – via the thesis or via published journal article.

4. Faculty Publications

This section relates to policies to encourage faculty to make their published research available to the SJSU online repository.

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.

Relevance to Open Access

Open access to the research and scholarship of SJSU faculty via the SJSU ScholarWorks institutional repository facilitates the discovery and dissemination of knowledge. However, faculty cooperation could potentially facilitate that dissemination in three ways: notification of publications, providing post-print versions of manuscripts, and granting permission for papers to be distributed in the repository.

Policies at Other Universities

From 2008-2010, five major schools at Harvard University adopted open access policies requiring faculty to make their publications available for the university to distribute under open access. The first was the policy of the Faculty of Arts and Sciences, which says in part: [6]

> Each Faculty member grants to the President and Fellows of Harvard College permission to make available his or her scholarly articles and to exercise the copyright in those articles. In legal terms, the permission granted by each Faculty member is a nonexclusive, irrevocable, paid-up, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same, provided that the articles are not sold for a profit. The policy will apply to all scholarly articles written while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy.

The requirement to make scholarship available maximizes the supply of content distributed by a university, and potentially simplifies the implementation. However, it requires a strong consensus supporting open access by the faculty.

Most universities have policies that encourage distributing original scholarship via open access without mandating participation.

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[6]   "Harvard Open-Access Policies," Harvard University, Office for Scholarly Communication, last modified February 12, 2010, http://osc.hul.harvard.edu/OpenAccess/policytexts.php Within Harvard, colleges have slightly different policies: for example, Harvard Business School cases will not be made available under open access.

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 University and to society."

Recommendations

It is recommended that San Jose State University provide open access to faculty publications via the existing institutional repository, SJSU ScholarWorks, and that the Academic Senate forward this document to the Curriculum and Research Committee, the Professional Standards Committee or any other appropriate committee to address the following issues and determine the need to revise Senate policy F98-3.

Here we identify two alternate approaches for providing open access to SJSU research and scholarship.

1. Encouraging Contributions (Opt-in)

Some universities adopt a policy of "encouraging" faculty to contribute their work to open access repositories rather than mandating that they do so. What actions should the university take to encourage contribution to the open access repository and who is responsible for implementing the policy? The policy may provide few or no incentives to identify and meet priorities. Sample wording of such policy might be:

> SJSU faculty are encouraged 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."

2. Requiring Contributions (Opt-out)

Some universities mandate faculty to contribute their work to an open access repository, usually within a specified time, e.g., 6 – 18 months after publication. Mandate policies frequently include opt-out provisions based on agreements with publishers, copyright issues, or legal restrictions. To be effective a mandate policy needs to address compliance issues and responsibility. Sample wording of such policy might be:

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."[7]

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 World Wide Web, provides authors with many more options for broadly distributing their work. Authors who elect to publish their articles in traditional print or online journals and also wish to participate in the open access movement must retain some or all of their original author rights. This usually means revising or amending traditional publishing agreements. Authors should be aware of the control they wish to retain over their work, e.g., use the work as a basis for a future publication, and thus retain the corresponding rights.

An author addendum is a means by which publishing agreements can be revised or amended to reserve control of author rights. Numerous academic institutions have developed such addenda which permit the author to freely use his/her work in research and teaching activities. The Science Commons website offers a Scholar's Copyright Addendum Engine, a web page that automatically generates a PDF form that authors can attach to a journal publisher's copyright agreement.[9] Other examples of author addenda can be found on the Open Access Directory website.[10]

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[7] Mandatory contributions would require a policy of exceptions. The policies of the various schools at Harvard University provide examples of such exceptions: http://osc.hul.harvard.edu/OpenAccess/policytexts.php

[8] The Copyright Law of the United States can be found in Title 17 of the United States Code at http://www.copyright.gov/title17/circ92.pdf

[9] Scholar's Copyright Addendum (n.d.), http://scholars.sciencecommons.org

[10] "Author addenda," http://oad.simmons.edu/oadwiki/Author_addenda modified Feb 20, 2010

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's RTP policies on faculty electing to publish in Open Access publications.

Relevance to Open Access

If the Retention, Tenure and Promotion process is biased against open access journals or other alternative venues of publication, then this could discourage assistant and associate professors from publishing in such journals and thus supporting open access.

Open access journals are newer than most established journals, and are published online rather than in printed form. As such, publication in open access journals might be interpreted in the RTP process as less rigorous or scholarly as publication in more established journals.

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]

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

[12] "Journals and impact factors," Psychiatrynet.edu, accessed Feb.27, 2009 http://www.psychiatrynet.eu/links/4007_Journals_and_impact_factors

[13] "Scholarly Publishing Statement of Principles," University of California, Berkeley, Mar 18, 2005, http://academic-senate.berkeley.edu/archives/documents/statement_of_principles_for_web.pdf

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:

…

3) **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 absence of an updated S98-8, the revised guidelines could then be incorporated in college- or department-level RTP criteria.

7. Committee Members

The report was drafted by the members of the task force:

Celia Bakke (co-chair), University Library
Jerri Carmo, SJSU Research Foundation
Mohamed Fayad, Engineering
Katherine Harris, Humanities and Arts
Ruth Kifer, Dean, University Library
David Loertscher, Applied Sciences and Arts

Cleber Ouverney, ULB chair (2009-2010)
Mary McVey, Education
Nyle Monday, University Library
Gilles Muller, Science
Lisa Sewell, Graduate Student Representative (Applied Sciences and Arts)

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[14] "Journal of Proceedings of the Faculty Council," UNC Chapel Hill, March 4, 2005, http://www.unc.edu/faculty/faccoun/minutes/M05FC03.htm

Maureen Smith, ULB chair (2008-2009)
Pam Stacks, AVP, Graduate Studies &
    Research

Karl Toepfer, dean (Humanities and Arts)
Joel West (co-chair), Business

Appendix A: Glossary

TERM	DEFINITION
Copyright	Refers to ownership of creative works (such as text, images, films, performances, art works, music or software) as provided by U.S. or other national law. By default, authors are the owners of their work, but that ownership may be assigned by the authors to another party (such to a publisher). Copyright owners (such as for-profit publishers) are often reluctant to embrace open access principles, because it limits their ability to generate income from users of a work that pays for the cost of acquiring and distributing that work.
Digital Repository	An online, searchable, web-accessible database containing works of research deposited by scholars. Purpose is both increased access to scholarship and long-term preservation. Digital repositories are often built to serve a specific institution's community of users, in which case is it is called an **institutional repository**.
Embargo	For digital repositories, this refers to works that do not appear in the repository for some period of time, which might be a fixed period, until publication or indefinitely. For authors, embargos can allow time for external publication in venues that support career goals, such as a journal article or a book of poetry. For commercial publishers, embargoes assure that publishers have the opportunity to recoup the costs of publication and research before making works available freely.
E-Prints or ePrints	Scholarly works that have been deposited in a digital repository. Also the name of a specific producer of digital repository software [eprints.org].
ETD	[Abbreviation/Acronym] Electronic Theses and Dissertations
Faculty Publication	A narrow definition of this phrase implies only work produced by persons with faculty status and excludes work produced by undergraduate and graduate students, and possibly work produced by persons when they were faculty but are no longer faculty. However, a broader definition allows for collaborations between faculty and students, or between university faculty and faculty here or at other universities.
Institutional Repository	A type of **digital repository** that is designed to collect the work of a particular institution (usually a university). See also "Repository."
Intellectual and Creative Property	Ownership of intellectual and creative property is related to copyright. Open access undermines the concept of "owning" intellectual and creative property insofar as it diminishes the value of intellectual and creative labor by making it freely available. But ownership of intellectual or creative property also refers to who is responsible for the content of the work, which sometimes includes more than the authors of the work. Subjects of research may sometimes own part of the research about themselves. Some universities claim that as a result of making faculty research possible, they own a part of the published research. At San Jose State University, Academic Senate policy F98-3 declares that faculty are the sole owners of the research they publish.
Metadata	Data that describes other data in a structured fashion. For items in open access repositories, this usually consists of a full bibliographic reference, abstract, keywords, and similar information.

TERM	DEFINITION
OA	[Abbreviation/Acronym] **Open Access**
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	In the context of Open Access, a preprint is a draft of an academic article or other publication before it has been submitted for peer-review or other quality assurance procedure as part of the publication process. Preprints cover initial and successive drafts of articles, working papers or draft conference papers.
Publication	When a work is made publicly available: originally defined as being distributed in printed form, but increasingly via online distribution.

TERM	DEFINITION
Scholarship	Systematic inquiry the results of which are usually shared through publication. Publication is only a component of scholarship. Systematic inquiry occurs differently, according to disciplinary conventions established largely through academic institutions. Open access is also a component of scholarship to the extent that scholarship is possible for scholars because of the institutions for whom the work or they public that supports their institutions or research projects.
ScholarWorks	The institutional repository at San José State (SJSU ScholarWorks); its URL is http://sjsu-dspace.calstate.edu/)
Self-archiving	Placing a copy of an article (or other scholarly work of research) in a digital repository. Sometimes this term is also used to refer to the practice of authors placing their articles on personal websites, although such distribution usually does not provide an assurance of preservation, as is provided by institutional repositories.
SPARC	[Abbreviation/Acronym] **Scholarly Publishing and Academic Resources Coalition**: "an international alliance of academic and research libraries working to correct imbalances in the scholarly publishing system. Developed by the Association of Research Libraries, SPARC has become a catalyst for change. Its pragmatic focus is to stimulate the emergence of new scholarly communication models that expand the dissemination of scholarly research and reduce financial pressures on libraries" http://www.arl.org/sparc/

References

Scholarly Communication Glossary (SCG)
    http://www.library.uiuc.edu/scholcomm/glossary.html
ScholarSpace Glossary http://library.manoa.hawaii.edu/scholarspace/glossary.html
Sherpa Open Access abbreviations, acronyms and terms
    http://www.sherpa.ac.uk/glossary.html#a

Appendix B: Open Access Policies at Other Universities

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?docId=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_for_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 Investigate 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 [2], and the success and reputation of open access publications such as the Public Library of Science; be it further

Resolved,   That the special task force should include representatives of all concerned administrators and faculty; among those representatives should be the Dean of the University Library, a specialist from the library on institutional repositories, a representative from the office of Graduate Studies and Research, a representative from the University Foundation, appropriate Deans and/or Associate Deans, faculty with expertise on RTP issues, faculty with experience and expertise on copyright issues, faculty who (collectively) have published government-funded research in a wide range of peer reviewed journals–including online, faculty who have served on the Foundation Board, and any others that the Senate and its committees think useful to give the Task Force the widest possible expertise on the subject

Rationale:

The subject of "Open Access" to faculty publications has steadily grown in importance over the last several years and has finally reached a crescendo this spring. First, the NIH promulgated requirements for open access to publications funded by NIH grants, and second (after their own task force took a year to study the issue) the Harvard Faculty of Arts and Sciences adopted a sweeping open access policy for nearly all articles they publish.

The general background for open access concerns the spiraling costs both of print journals

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 have been formidable barriers to overcome–including the need to publish in established peer-reviewed journals, copyright restrictions, and others. Only recently have solutions to these problems begun to become available, as the Harvard faculty attest. For example, publishing in peer-reviewed journals does not preclude open access dissemination of faculty research and scholarship.

The University Library Board believes that it is now time for SJSU to examine these issues for itself, with the full resources of its faculty and staff. We now do have an electronic repository which could be used for faculty publications–if appropriate. Above all, a policy concerning something as vital as faculty publications should be produced by the faculty– and not imposed through external pressures.

Approved: 13-0-0

Discussed at meeting on March 3, 2008. Approved by email vote March 5, 2008

Present: Moon, Bernier, Smith, Peterson, Von Til, Bakke, Kifer, Whitney, Chung, Chang,

                  Fleming, DeSalvo, Peter

Absent:
Vote: 13-0-0

Financial impact: S.O.S. resolutions have no financial impact

Workload impact: S.O.S. resolutions have no direct workload impact. However, should the Senate decide to create a Task Force on Open Access as suggested, it would of course involve considerable committee work.

[1]http://www.eprints.org/openaccess/policysignup/fullinfo.php?inst=Harvard%20University%20Faculty%20of%20Arts%20and%20Sciences

[2] http://publicaccess.nih.gov/policy.htm

S02-8: Information Technology Resources Responsible Use Policy

See http://www.sjsu.edu/senate/S02-8.htm

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