

Stony Brook University Open Access Policy

PREAMBLE

The faculty, students and staff of Stony Brook University are committed to sharing our research, scholarship and creative work as widely as possible. Moreover, by adopting this policy and practice our university seeks to a) meet federal requirements that the results of all federally funded research be available to the public, and b) to improve access to the scholarly and creative works of Stony Brook authors. In keeping with that commitment, we adopt the following policy:

1. POLICY SUMMARY

Each University author grants to Stony Brook University permission to make available their scholarly articles (and related data, when possible), in any medium, and to exercise the copyright in those articles for the purpose of making their articles freely and widely available in an open access repository. More specifically, each University author retains their copyright and grants to Stony Brook University a non-exclusive license (limited to the purpose of making the work openly available) to works, in any medium, provided that the articles are not sold for a profit, and to authorize others to do the same. The policy applies to works authored or co-authored while the person is a member of the Faculty, a student or a staff member except for any works completed before the adoption of this policy and any articles for which the University author entered into an incompatible licensing or assignment agreement before the adoption of this policy. Authors can request a waiver of the Open Access Policy for any article or work.

The policy in this document extends the same opportunity to all members of the Stony Brook University community who author research and scholarly works (defined herein as “University Authors”). The policy recognizes the value of and supports authors to maintain legal control over their work while making their work freely and widely available to the public. To achieve this, the policy commits University Authors to deposit a version of each scholarly article in a digital repository. The deposited work will be made freely and openly available to the public, unless the author obtains a waiver.

Each University Author who does not permanently waive the license above will provide an electronic copy of the author’s final version of each work no later than the date of its publication at no charge to the Center for Scholarly Communication of the Stony Brook University Libraries in an appropriate format.

The Stony Brook University Libraries will make the scholarly work available to the public in an open access repository (“Stony Brook University Academic Commons”). The policy will be reviewed after three years and a report presented to the University Senate. The policy allows University Authors of scholarly articles to retain copyright and maintain legal control over their research articles while making their work freely and widely available to the public; specifically, this policy commits University Authors to depositing a version of each scholarly article in a digital repository, but reserves for authors the right to choose whether to make that work freely and openly available to the public. The policy also takes the extra step of defining procedures that implement this policy uniformly for all Stony Brook University employees.

2. DEFINITIONS

Copyright: Rights as defined by US Copyright Law (Title 17 of the United States Code).

Embargo/Delay of Access: The amount of time before a scholarly article will be made available after it is accepted by a publisher. Under this policy, authors may specify an embargo of any length, or honor a publisher’s request for one.

Employees: All faculty, academic appointees (includes academic administrative officers, librarians, residents, interns, and postdoctoral scholars), students who are employed by SBU, staff, and administrators who are paid a salary, stipend, or hourly rate, excluding those holding “Without Salary” appointments, volunteers, and recalls.

Final Version: An author’s final revised version –also known as the accepted manuscript– of a scholarly article, generally post-peer reviewed, but not necessarily the typeset or PDF publisher’s copy, unless allowed by the publisher.

License or Copyright License: A grant of rights made in accordance with Copyright Law (USC Title 17), allowing specified uses of a copyrighted work.

Open Access: The free availability of scholarly literature on the public internet, permitting users to read, download, copy, distribute, print, search, or link to the full texts of articles for any lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet.

Open Access Repository: Any digital archive or platform designed to make articles freely available via the internet with clearly defined legal restrictions on their use or circulation. The SBU Academic Commons platform is the default repository for this policy.

Scholarly Articles: Published research articles in the broadest sense of the term. A narrower term could have the effect of excluding works published in a certain format, discipline or practice. For example, the term “scholarly journal articles” might exclude those who publish in edited volumes; the term “peer-reviewed scholarly articles” might exclude law reviews which are reviewed by students or by editorial collectives.

Student: An individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; or (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved

educational leave or other approved leave status, or is on filing-fee status. This definition applies to undergraduate, transfer, graduate academic, and graduate professional students.

Waive/Opt out: To waive or opt out, means to decline to grant the University the license described in section 3.B.1 below. A waiver can be obtained from the University Libraries' Center for Scholarly Communication website.

University Authors: Employees and students of Stony Brook University who author scholarly articles, while employed by or are students of Stony Brook University, respectively. University Authors are covered by this policy whether or not they own the copyright of an article.

3. POLICY TEXT

3.A General

This Open Access Policy allows University Authors (see Section 2 for definition of University Authors) to maintain legal control over their research articles while making their work freely and widely available to the public. The policy does not require University Authors to publish in open access journals, or to pay fees or charges to publish; it commits the University and University Authors to deposit a version of each article in an appropriate digital repository and to choose whether to make it freely and openly available to the public.

This policy covers two classes of University Authors:

Section 3.B. covers University Authors who do own the copyright to their works. University Authors who own the copyright to their works may waive the license in 3.B.1 below, or request an embargo as specified in sections 5.B and 5.C below.

Section 3.C. covers University Authors who do not own the copyright to their works. University Authors who do not own the copyright to their works may request a waiver or an embargo as specified in 5.B and 5.C below.

3.B University Authors Who Own the Copyright to their Scholarly Works

1. *Grant of License and Limitations*

Each University Author grants Stony Brook University a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of their scholarly articles and other works, in any medium, and to authorize others to do the same, for the purpose of making their articles widely and freely available in an open access repository. This policy does not transfer copyright ownership, which remains with University Authors. If an author deposits an article on the Stony Brook University repository and later learns that the posting is in violation of the policy of the publisher of the article, the library will remove the article from the Stony Brook University repository at the author's request immediately.

2. *Scope and Waiver (Opt-Out)*

This policy applies to all scholarly articles authored or co-authored while the person is an employee of the Stony Brook University 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.

3. *Deposit of Articles*

To assist the University in disseminating and archiving the articles, University Authors are expected to help the University obtain copies of the articles. Specifically, each author will provide a digitized copy of their final version of the article or other work to Stony Brook University Libraries by the date of its publication for inclusion in an open access repository. When appropriate, a University Author may instead notify University Libraries if the work will be freely available in another repository or as an open-access publication.

Notwithstanding the above, this policy does not in any way prescribe or limit the venue of publication. This policy neither requires nor prohibits the payment of fees or publication costs by University Authors.

3.C University Authors Who Do Not Own Copyright in their Scholarly Works

The University recognizes that members of the University community who do not own their copyrights may also be authors of scholarly articles. In these cases, the University will promote open access in accordance with Section B above. Specifically, the University will retain the right to make such articles available in an open access repository. Upon request by the author, the University will grant an embargo period, as described in Section 5.C below. At the author's request, the University will grant a waiver from granting the University license to make the work available in an open access repository, as described in Section 5.B below. These authors must also deposit a copy of the final version of each article for inclusion in an open access repository, as described in Section B.3 above and Section 5.A below.

4. COMPLIANCE / RESPONSIBILITIES

4.A Authority

The Provost and Senior Vice President of Health Sciences at Stony Brook University are the Responsible Officers for this policy and have the authority to implement the policy and to develop procedures or other supplementary information to support implementation. They will work with the University Libraries, which has responsibility for 1) coordinating processes for deposit; and 2) managing software for harvesting, waivers, embargoes, and deposits. As the Responsible Officers' designee, the University Libraries has responsibility to manage issues of policy interpretation in consultation with stakeholders.

1. Revisions to the Policy

The Responsible Officers and their designee have the authority to initiate a review of the efficacy of this policy and to initiate revisions to this policy.

2. Compliance with the Policy

The Responsible Officers and their designee are responsible for the administration of this policy. University Libraries will obtain data or other information to inform assessment of the policy, assess policy use and compliance.

5. PROCEDURES

In support of this policy the following procedures will be implemented to allow all authors of scholarly articles and creative works at Stony Brook University to make their works openly available.

5.A Deposit a Scholarly Article in the Open Access Repository

All University Authors may make a final version of their articles publicly and freely available by using the Stony Brook University Academic Commons digital repository or any other appropriate open access repository. All University Authors are expected to deposit a version to an open-access repository by the date of publication, to the extent practicable. If any author specifies an embargo (section 5.C below), the author may deposit the article either by the date of publication or by the date the embargo period expires.

5.B Generate a Waiver

By their own choosing or upon request from a publisher, all University Authors who own their copyright to a given article may waive the grant of license to the University described in section 3.B.1 above. To do so, an author simply has to generate a waiver at the University Libraries Center for Scholarly Communication website.

5.C Specify an Embargo Period

By their own choosing or upon request from a publisher, all University Authors may delay the date of appearance of their articles (“embargo” the article). To do so, an author simply has to specify the embargo period (usually six to twelve months or longer) at the time of deposit at the Academic Commons website.

5.D Choose a License

At the time of deposit at the Academic Commons website, all University Authors may choose the terms of use that will be applied to each article; for example, whether it can be subject to commercial or non-commercial reuse. Creative Commons licenses are recommended.

5.E Obtain an Addendum

Although not necessary, all University Authors may request an Addendum for each article to be provided to publishers at the time of signing their author agreement. The Addendum notifies the publisher that the article is subject to the Stony Brook University Open Access Policy. Addenda can be requested at University Libraries Center for Scholarly Communication website.

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--renewed by the University Senate 02/06/2020