



Open Access Policy

Policy Sponsor: *Office of Academic Affairs*

Policy Contact: *Vice Provost of Academic Programs*

Policy Category: *Academic and Student Affairs*

Policy Number: **Policy numbers will be added when the policy has been approved and is posted on the college website.**

Effective Date: *March 1, 2020*

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Background Information

In 2018, SUNY passed a resolution directing each campus to develop open access policies for faculty, student, and staff scholarship and creative works through the creation of searchable online repositories.

Purpose

The purpose of this policy is to establish policies for making scholarly and creative works of SUNY Empire State College faculty, staff, and students available to a general audience in accordance with SUNY requirements on Open Access.

Definitions

Open Access: The availability of scholarly works on the Internet, permitting users to read, search, or link to scholarly works for any lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the Internet.

Open Access Repository: Any digital archive or platform designed to make scholarly works freely available via the Internet with clearly defined legal restrictions on their use or circulation.

Scholarly and creative work: According to the Faculty Handbook, scholarly and creative work is defined as contributing to “continuing professional growth through contributions to their disciplines and/or to the theory and practice of adult learning through scholarship, creative endeavors, organizational participation and other developmental activities”. The Handbook then states that the Board of Trustees’ description of “scholarly ability” may take many forms. These include, but are not limited to, presentations at professional meetings, journal articles, monographs, textbooks, artwork, or documentation of new or innovative teaching/learning materials or approaches.

Policy Statements

Empire State College will make scholarly work available to the public in an open access repository. This policy reserves the right for authors to choose whether to make scholarly and creative work freely and openly available to the public. Each author may voluntarily submit to Empire State College scholarly or creative works in any medium and exercise the copyright in those works for the purpose of making articles freely and widely available in an open access repository.

Each author retains his/her copyright and grants to Empire State College a non-exclusive license (limited to the purpose of making the work openly available) to works, in any medium.

Users of the repository can access selected works in situ freely without any restrictions. The author’s copyright remains in effect. Users may not copy, distribute, remix, resell, or create derivative works, except under exemptions made clear under copyright law, such as fair use.

Authors as owners of their copyright are entitled to place their works under a Creative Commons license. The terms of the Creative Commons license supersede limitations of Open Access. Placing work within a Creative Commons environment is at the discretion of the author and subject to agreement from any other publisher.

In instances where a scholarly or creative work has multiple authors, all authors must agree to the terms of Open Access and licensing.

The policy applies to works authored or co-authored while the person is a member of the faculty, a student, or a staff member. 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.

The decision to make scholarly and creative works available through the repository is voluntary. It is up to the author to ensure compliance with the respective publisher(s)’ requirements and/or

restrictions for submission. Authors who do not wish to make their work available in the repository are not required to do so and there will be no negative repercussions should they choose not to make their work available through this means.

Material published within the repository must adhere to federal and state laws as well as Empire State College policies, including policies on academic integrity, web publishing, and conduct.

Scholarly work in the repository is held there permanently unless authors choose to remove it. Authors have the opportunity to modify the content of their work.

Applicable Legislation and Regulations

SUNY Memorandum dated March 22, 2018:

<https://system.suny.edu/media/suny/content-assets/documents/provost/Campus-OpenAccess-Policies-resolution.pdf>

Creative Commons Licenses:

<http://subjectguides.esc.edu/c.php?g=831073&p=6604023>

Non-Discrimination/Anti Harassment Policy:

<https://www.esc.edu/policies/?search=cid%3D35752>

Bullying and Civility Standards in the Workplace:

<https://www.esc.edu/policies/?search=cid%3D111522>

Student Conduct Policy and Procedures:

<https://www.esc.edu/policies/?search=cid=37969>

Web Presence and Publishing Policy:

<https://www.esc.edu/policies/?search=cid=35655>

Related References, Policies, Procedures, Forms and Appendices

