

# University at Albany Open Access

Adopted Policy 2.1

## Policy Purpose

To set forth the University's principles regarding open access dissemination of scholarship by University Authors.

## Responsible Office

University Libraries, Provost Office

## Responsible Executive

Dean, University Libraries, Division of Academic Affairs

## Policy History

- Date of Permanent Approval: September 7, 2021

## Policy Statement

The faculty, students, and staff of the University at Albany are committed to sharing their research and scholarship as widely as possible. By adopting this policy, the University seeks to, for example, (a) assist researchers in meeting federal requirements that the results of all federally funded research be available to the public, and (b) help improve access to the scholarly works of University Authors. University Authors recognize the benefits that accrue to themselves as individual scholars and to the scholarly enterprise from such wide dissemination and increased visibility, including greater recognition, more thorough consideration and critique, and a general increase in scientific, scholarly, and critical knowledge. University Authors further recognize that by this policy, and with the assistance of the University, they can enhance their academic freedom by more easily and collectively reserving rights that might otherwise be unnecessarily relinquished in agreements with publishers.

## Persons Affected

Students, Faculty, Staff

## Definitions

**Copyright** are the rights defined by U.S. Copyright Law (Title 17 of the United States Code) and Section 335.29 of Title 8 of the Official Compilation of Codes, Rules, and Regulations of the State of New York.

**Creative Commons Licenses** are alternative licensing tools that balance access with traditional notions of intellectual property. Options include BY (attribution required), SA (“share alike”; future user must apply same license), NC (non-commercial uses only), and ND (only allows non-derivative use).

**Embargo/Delay of Access** is a delay in the distribution of the work for a specified period of time. Under this policy, University Authors may request an embargo of any length, or honor a publisher’s request for one.

**Employee** is any faculty member or staff employed by the University at Albany. This includes permanent, temporary, full-time, part-time, hourly, provisional or any other person who is on the payroll of the University in any capacity.

**Final Version** is an author’s final peer-reviewed manuscript – also known as the accepted author manuscript – of a scholarly article.

**Institutional Repository** is a University’s Open Access Repository.

**License** is the grant of rights made in accordance with U.S. Copyright Law (USC Title 17), allowing specified uses of a copyrighted work.

**Open Access** is scholarship that is freely available online, free of cost, and free of most copyright and licensing restrictions, permitting users to read, download, copy, distribute, print, search, or link to the full texts of articles for any lawful purpose.

**Open Access Repository** is any digital archive or platform designed to collect, preserve, and provide Open Access to scholarship via the internet with clearly defined legal restrictions on their use or circulation.

**Scholarly Articles** refers to the kinds of articles produced in any medium through which authors share research results to advance research and human

knowledge without expectation of payment. Peer-reviewed journal articles and peer-reviewed conference papers would normally be considered to fall within this category, but, for purposes of the policy, the definition is left to faculty discretion to allow for disciplinary differences.

**Student** for the purpose of this policy is 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.

**Waiver/Opt out** means the University will not exercise the policy's non-exclusive license described in section 3.B.1 below. A waiver can be obtained from the University Libraries' website.

**University** is the University at Albany, State University of New York.

**University Authors** are Employees and Students of University at Albany who author Scholarly Articles, while employed by or as students of University at Albany, respectively.

## Policy

### A. Grant of License

1. Each University Author grants the University a non-exclusive, irrevocable, worldwide license to exercise any and all rights under Copyright relating to each of their peer-reviewed Scholarly Articles, in any medium, provided that the articles are not sold by the University, and to authorize others to do the same, for the purpose of making their Scholarly Articles widely and freely available.
2. The University Author retains Copyright ownership of the Scholarly Article.
3. Any other systematic uses of the licensed articles by the University must be approved by the Responsible University Official.

### B. Scope

1. The policy applies to all Scholarly Articles authored or co-authored while the University Author is an Employee or Student of the 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.

#### C. Waiver and Embargo

1. The Responsible University Official or their designee will waive application of the License for a particular Scholarly Article or Delay Access for a specified period of time upon written request by a University Author.

#### D. Deposit of Scholarly Articles

1. To assist the University in disseminating and archiving the articles, University Authors commit to helping the University obtain copies of the articles. Specifically, each University Author who does not obtain a waiver of the License for a particular Scholarly Article as described in Section C above will be expected to do one of the following:
  - a. provide an electronic copy of their Final Version of the Scholarly Article to the University Libraries by the date of its publication for inclusion in the Institutional Repository; or
  - b. if appropriate, the University Author will notify the University Libraries if the Scholarly Article will be freely available in another Open Access Repository or as an Open Access publication.

- E. This policy will be effective September 15, 2021.

### Procedures

#### A. Depositing a Scholarly Article in the University's Institutional Repository

1. University Authors who do not waive the non-exclusive license granted by the policy are expected to make a Final Version of their Scholarly Articles openly available either by providing a copy of their Final Version of the Scholarly Article to the University Libraries or by notifying the University Libraries that the Scholarly Article will be freely available in another Open Access Repository or as an Open Access publication. All University Authors are expected to deposit a version of the Scholarly Article to an Open Access Repository by the date of publication, to the extent practicable. If the University Author specifies an embargo, then

the Scholarly Article may be deposited either by the date of publication or by the date the embargo period expires.

- a. If the University Author chooses to make their Scholarly Article openly available using the University at Albany's Institutional Repository, they may upload the Final Version at [https://scholarsarchive.library.albany.edu/submit\\_research.html](https://scholarsarchive.library.albany.edu/submit_research.html) or email [scholcomm@albany.libanswers.com](mailto:scholcomm@albany.libanswers.com).
- b. If the University Author chooses to make their Scholarly Article openly available through another Open Access Repository or Open Access publisher, then they will notify the Responsible University Officer and their designee of this so that the University's Institutional Repository can either harvest or link to the open Final Version.

#### B. Generating a Waiver

1. Either by their own choosing or upon request from a publisher, University Authors who own their Copyright to a given Scholarly Article may waive the grant of license for a particular Scholarly Article to the University described in the Open Access Policy. To obtain a Waiver, a University Author simply has to direct that a Waiver be granted by using the online webform. Upon submission of the webform, a Waiver is automatically issued and can be both (1) printed or downloaded immediately, and (2) sent electronically to the author's institutional email address. This Waiver is effective at the time the formal request is submitted and may not be revoked by the institution.

#### C. Specifying an Embargo Period

1. Either by their own choosing or upon request from a publisher, University Authors may Embargo their Scholarly Article. To do so, a University Author simply has to specify the Embargo period (usually six to twelve months) at the time of deposit to the University's Institutional Repository at [https://scholarsarchive.library.albany.edu/submit\\_research.html](https://scholarsarchive.library.albany.edu/submit_research.html). If University Authors choose to make their Scholarly Article available in a different Open Access Repository, then they will need to inquire with the host of that repository if embargo options are available and how to utilize them.

#### D. Choosing a License

1. The terms of use of the University's Institutional Repository define the permitted downstream uses of Scholarly Articles. However, at the time of deposit to the University's Institutional Repository at [https://scholarsarchive.library.albany.edu/submit\\_research.html](https://scholarsarchive.library.albany.edu/submit_research.html)

(or other appropriate Open Access Repository, as noted previously), University Authors may choose to enhance user rights that will be applied to each Scholarly Article. Creative Commons licenses are recommended (see definitions) for this purpose.

Source: <https://www.albany.edu/risk-management/policy/open-access>