Proposed Revisions to January 2013 Version of the Open Access Policy and FAQ
May 28, 2013

The faculty of the University of Florida is committed to disseminating its research and scholarship as widely as possible. In keeping with the University's mission as a public, land-grant, sea-grant and space-grant institution, we are dedicated to maximizing access to our work by the citizens of Florida and scholars, educators, and policymakers worldwide. In confirmation of that commitment, the faculty supports the education of its members on how they can safeguard their rights as authors through negotiation of publisher agreements to allow deposit for public access, storage and preservation. The faculty also endorses the development of an informed process by which faculty members can easily and readily provide open access to their scholarly output through preservation of scholarly articles in the Institutional Repository at the University of Florida (IR@UF), in a relevant subject based repository, (e.g., arXiv), or in another repository that fulfills an open access mandate by a grant-funding body. The faculty resolves that such education and process be complete by July 1, 2015. On that date, provided no contrary action has been taken, the following policy reflecting the faculty's commitment to open access shall become effective:

> *As of July 1, 2016, each University of Florida faculty member grants to the University a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright law pertaining to each of his or her authored or co-authored scholarly articles that are published in any medium, and to authorize others to do the same, so long as the license is invoked exclusively for non-commercial purposes. This license does not transfer copyright ownership or otherwise interfere with the rights of the author. Copyright ownership remains with the author(s) of the articles.*

> *To accomplish this, faculty members will deposit in the UF Institutional Repository (IR@UF) or an open-access scholarly repository mandated by a grant-funding agency an electronic copy of each scholarly article according to the terms of applicable copyright agreements. To facilitate such deposit, faculty members resolve to amend terms of future publication agreements to retain the right to use their own work and to deposit such work in an open access scholarly repository for public access.*

> *This license only applies to scholarly articles completed after the effective date of this policy and while the author is a member of the University of Florida faculty. Application of the license will be waived for a specific article upon submission of the electronic "Notice of Publication" by the faculty member.*

> *Interpretation of this policy will be the responsibility of the University Libraries Committee, in consultation with the Office of the Provost or the Provost's designate. This policy will be reviewed by the Faculty Senate three years after its effective date and a report prepared and presented to the faculty upon such review. The Faculty Senate may elect to amend the policy in any regard before this three year review period is ended.*

Frequently Asked Questions about Adoption and Implementation of an Open Access Policy

1. Why do we need an open access policy?

A University of Florida open access policy would be a powerful, collective statement about the faculty commitment to promote access to and use of the fruits of our scholarship by the wider public. Its primary aim is to make our scholarship—especially our taxpayer funded research—more widely available and accessible. Such a policy would assert our control over the publication of our research and recognize our responsibility for making that process sustainable and true to the intentions of scholars while supporting the peer-review process.

2. What type of scholarship does this policy apply to? Does it cover all disciplines and formats?

The proposed policy currently applies only to scholarly articles such as those typically presented in peer-reviewed scholarly journals and conference proceedings. Books, creative works, pedagogical materials and the like fall outside the scope of the policy; however, an individual faculty member may voluntarily elect to deposit such works if desired. In those cases where a faculty member explicitly wants an excluded work to be covered (as for instance, a scholarly book or monograph), that faculty member has the right, if he or she chooses, to grant the same license to the university in advance of any agreement with a publisher. The policy also covers jointly authored publications, and it applies only during the time that an individual is a member of the faculty.

3. Who is a faculty member for purposes of this policy?

Faculty member will be defined as that term has been defined by the University of Florida Faculty Senate in [Senate Bylaw No. 21, "Definition of Faculty."](#)

4. What must faculty do to comply with this policy?

The policy operates automatically to give the University of Florida a license to make available any scholarly articles faculty members complete after the adoption of the policy. To be consistent, a faculty member should communicate this policy to the publisher and add to any copyright license or assignment for scholarly articles a statement, in the form of the [SPARC Author's Addendum](#), that the agreement is subject to this prior license. That way, an author avoids granting the publisher rights that are inconsistent with the prior license to UF, which permits open-access distribution. Part of the implementation plan will be to provide a standard addendum for this purpose. Whether an author uses the addendum or not, the license to UF still will have force.

5. How does the "Notice of Publication" waive application of the license?

As part of the implementation process of the open access policy, a simple and straightforward process will be devised by which faculty members can inform the University of the publication of scholarly articles that:

1. have been deposited in the UF Institutional Repository (IR@UF, a relevant subject based repository, (e.g., arXiv), or in another repository that fulfills an open access mandate by a grant-funding body; or
2. are not eligible for deposit in either the IR@UF or any other open access repository and for which there is no open access mandate by a grant-funding body.

This process will consist of submission of an electronic "Notice of Publication." The Notice will be a means by which faculty can announce publication of a scholarly article and either disclose deposit of the article in an open access repository other than the IR@UF or simply notify the University that deposit rights were denied by the publisher. The process will not unduly burden any faculty and will not in any way infringe upon their rights as set forth in the policy or in contradiction of the principles of academic freedom. Further, every effort will be made to coordinate with other University processes related to reporting and the Tenure and Promotion process so as to prevent duplication of effort.

6. What is the UF Institutional Repository (IR@UF)?

The UF Institutional Repository (IR@UF) is the digital archive for the intellectual output of the University of Florida community, and includes research, news, outreach, and educational materials. The University of Florida Libraries established and supports the UF Institutional Repository (*IR@UF)* in order to offer a central location for the collection, preservation, and dissemination of scholarly, research, and creative production alongside historical materials from the University of Florida. Further information for authors about the UF Institutional Repository (IR@UF) can be found at: http://ufdc.ufl.edu/ufirg/author_faq/.

Deposit of articles into the UF Institutional Repository (IR@UF) is simple. For instructions, please watch this one minute How-To Video.

7. What are the advantages for faculty?

The Internet has enabled individual faculty to make their articles widely and openly available. Many faculty members already make their research available on personal web pages, sometimes through individual copyright negotiations with publishers but sometimes in violation of copyright law. A policy allows faculty authors to make their writings openly and freely accessible and enables the University, through the grant of the license, to preserve their writings in the UF Institutional Repository (IR@UF) or another open-access scholarly repository. With open access, faculty authors will reach new audiences including policy makers, researchers in developing countries, small businesses and nonprofit organizations. Open access also allows for better indexing and preservation, increased influence and readership, the ability for authors to reuse/remix their research products, and eventual cost savings from ballooning journal subscription prices in some fields that can be re-directed into faculty and graduate research support.

8. What effect will this policy have on the ability of faculty to publish in top-ranked journals?

None. The faculty's commitment to publish in top-ranked journals and to maintain quality through the peer-review process remains the same. The policy is neutral with respect to where a faculty member chooses to publish. It only requires that faculty retain the right to make their work available in the UF

Institutional Repository (IR@UF) or another open-access scholarly repository following publication. If a publisher refuses to publish a work due to the policy, the license will not be in effect once the faculty member completes the "Notice of Publication" form.

9. Why does the policy assert a license rather than allowing individuals to act on their own volition?

Experience in many areas has shown that opt-out systems achieve much higher degrees of participation than opt-in systems. (Before Congress made it a requirement, participation in the National Institutes of Health Public Access Policy was optional. During that period, there was only a 4% level of open-access deposit.) By making a blanket policy, individual faculty benefit from their membership in the policy-making group. Further, the University can work with publishers on behalf of all faculty to simplify procedures and broaden access.

10. Who would own the copyright if UF adopted an open access policy?

It is UF policy that faculty members retain their copyright in the scholarly works they create. This does not change with the proposed open access policy. The only difference is that UF faculty would grant the University a non-exclusive license to their work enabling UF to preserve and make the work available via the UF Institutional Repository (IR@UF) in perpetuity.

11. Why do most non–open access publishers require faculty to transfer their copyright for publication, and which rights do publishers need to disseminate my work?

The author is the copyright holder until he or she transfers the copyright to someone else in a signed agreement. Normally, the copyright holder possesses the exclusive rights of reproduction, distribution, public performance, public display, and modification of the original work. An author who has transferred copyright without retaining these rights must ask permission unless the use is one of the statutory exemptions in copyright law. Authors who transfer their copyright without retaining any rights may not be able to place the work on course Web sites, copy it for students or colleagues, deposit the work in an open access repository or reuse portions in a subsequent work. That is why it is important to retain the rights you need.

Publishers' agreements (often titled "Copyright Transfer Agreement") have traditionally been used to transfer copyright or key use rights from author to publisher. They are written by publishers and usually capture more of an author's your rights than are necessary to publish the work. Publishers do not need a wholesale transfer of copyright to accomplish publication. Publication agreements are negotiable, either through amendment of the agreement's express terms or use of an author's addendum, such as the SPARC Author's Addendum). The only rights publishers need are:

- A non-exclusive right to publish the work first and distribute a work and receive a financial return;
- Proper attribution and citation as journal of first publication; and
- Right to migrate the work to future formats.

Authors should retain their remaining rights, which will permit them to make use of the work in ways that serve their needs, including compliance with the open access policy, and that promote education and research activities.

12. Frequently publishers require faculty to check a box indicating transfer of copyright when they submit a paper. Would faculty be in compliance with the policy if they checked the box?

Faculty may transfer their copyright to whomever they wish, but scholarly articles would be subject to the pre-existing license granted through the policy and any transfer of rights contradictory to this license would be a violation of the policy in the absence of a waiver. Publishers should be alerted to the pre-existing license by using an author's addendum. See also FAQ nos. 4 and 11 above.

13. Have other universities done this?

Yes. Open access policies have been adopted at prominent research universities, including Duke University, University of Kansas, Emory University, Rollins College, and several colleges of Harvard University. The Registry of Open Access Repository Material Archiving Policies (ROARMAP) lists over 200 open access policies adopted by academic institutions, departments, and research funders worldwide.

14. What support is available to assist faculty in complying with the policy?

The George A. Smathers Libraries at the University of Florida has dedicated staff within the department of Academic and Scholarly Outreach and the Digital Library Center to assist with questions about copyright, open access, scholarly communication, the UF Institutional Repository (IR@UF), and compliance with the open access policy.

15. What steps would faculty need to take to comply with the policy? How time consuming and burdensome would this be?

Faculty would simply need to deposit a copy of any published article, upon publication, with the UF Institutional Repository (IR@UF). For disciplines with already established disciplinary repositories, (e.g., arXiv, PubMed, SSRN), you may continue to deposit in those locations with the understanding that a copy of your publication may also be harvested and deposited in the UF Institutional Repository (IR@UF) unless you opt out of this policy altogether. The submission process is quite simple. Faculty need only fill out a short Web form to submit their work. For instructions, please watch this one minute How-To Video.

16. Do faculty members have to deposit their articles in both PubMed Central and the UF Institutional Repository (IR@UF)?

If the article is deposited with another reputable, subject-specific or agency-mandated open access repository such as Pub Med or arXiv, authors may simply complete the "Notice of Publication" form.

17. Do I still need to deposit a copy of the article if I am a co-author on an article?

Traditional publication agreements state that the assumption is that the signee on the agreement has received authority from co-authors to transfer copyright of ALL the authors. So in theory, those who are not a corresponding or first author (and who have filled out the publication agreement) have transferred their copyrights by proxy to the signee. All a faculty member need do in this instance is complete the "Notice of Publication" form.

18. What if one of my co-authors does not agree to my deposit of an article?

Each author has his or her own copyright in the work. This is a question of what the publication agreement says. If each author retains some of their rights, they can do with the work what their retained rights allow them to do without needing permission of the other authors.

19. What version do I submit to the UF Institutional Repository (IR@UF)?

Authors are encouraged to check their publication agreement for any terms regarding the version that may be submitted to an institutional repository. Otherwise, authors should deposit the manuscript copy post-peer review as accepted for publication, but before a publisher typesets and finalizes it. In the case that the author is publishing in an open access journal, the version submitted might be the final published version (the post-print). The deposited version is not intended to replace the final published version of a publication, but to make a version available to those who would not otherwise be able to access it.

20. Once I have deposited a scholarly article in the UF Institutional Repository (IR@UF), am I able to remove it at a later date?

Although authors are technically able to remove works from the UF Institutional Repository (IR@UF) should they deem it necessary, we encourage authors to reserve that option for extreme circumstances. In the event of a paper withdrawal, we reserve the right to maintain a metadata record of that paper (author, title, date, etc.) within the system along with a notation as to its status. Our primary goal is to avoid introducing broken links to previously available publications.

21. What do I do if a publisher refuses to comply?

If a faculty member encounters resistance to this policy, he or she has other options. The Scholarly Communications Librarian can help an author research and identify journals in his or her field who have amenable copyright policies or to help negotiate with a publisher on your behalf to accept the agreement, reduce the embargo period or find another solution. The faculty member may also choose to only complete the "Notice of Publication" for that scholarly article.

22. Who pays for the cost of open access publication?

Some fields currently have established funding models for open access publication, while others do not. Additionally, the University of Florida Open Access Publishing Fund is available to assist UF faculty, staff and students with their open access publishing costs. (See the UFOAP procedures document for more information on eligibility and application process.) The purpose of an open access policy is not to

penalize those fields without such funding, but to create an incentive for the development of new funding models. New models must be consistent with the open access philosophy of eliminating costs for both scholars and readers.

23. How does open access affect proprietary knowledge and potential commercialization of research?

Open access has no different effect on proprietary knowledge and potential commercialization than any other form of publication. However, faculty are encouraged to contact the Division of Sponsored Research (DSR) for advice on how and when to protect intellectual property that may become valuable.

24. What are the effects of an open access policy on the funding of learned societies?

Some learned societies support their activities in part or whole with fees they charge for subscriptions to the societies' specialist journals. Because UF's open access policy is neutral with respect to where a faculty member chooses to publish his or her work, it also takes no position with regard to funding of learned societies. A faculty member may publish in any journal where his or her work is welcomed. The policy requires only that the faculty member retain the right to deposit a copy of the publication in the institutional repository, where it will be made openly accessible. If a learned society refuses to publish a work in its specialist journal because of this requirement, that situation is treated no differently than with any other kind of publisher, and the faculty member may opt out of the requirement by obtaining a waiver.

25. What is the University Libraries Committee?

The University Libraries Committee (ULC) is elected by Faculty Senate via nominations of faculty members. The ULC is comprised of nine faculty members and four student members; two selected by the Graduate Student Council and two selected by Student Government. The ULC assists the Dean of University Libraries in maintaining and promoting the welfare of the University Libraries. It meets with the Dean of the University Libraries to review and formulate library policies to serve the needs and concerns of the faculty and students. It also serves as an advocate for the University Libraries to the University community. For the current roster of ULC members, please see http://fora.aa.ufl.edu/go/48.