

## **FAQs for Open Access for Theses and Dissertations Policy**

### **What is an open access repository?**

An open access repository is a digital platform that stores various types of scholarly works and makes such works available for free and for anyone to consult, reference, and download. The University of California's open access repository is called "eScholarship" (<http://eScholarship.org/>), which is a service of the [California Digital Library](#).

### **Does this policy affect copyright ownership in my thesis or dissertation?**

No. This policy does *not* affect or transfer your ownership of copyright or intellectual property rights in your thesis or dissertation. This policy simply provides a limited license to make your thesis or dissertation publicly available in an open access repository (e.g., eScholarship).

### **Can I delay the release of my thesis or dissertation in an open access repository?**

Yes. Most students want to make their theses or dissertations publicly available as soon as possible and as widely as possible. However, some may want to delay (i.e., "embargo") the date that their theses or dissertations become available in an open access repository. If, for example, the thesis or dissertation discloses a novel process or invention for which a patent may be sought, an embargo on the public release of the thesis or dissertation may be appropriate. (See next FAQ for more information.)

Under this policy, an initial embargo period of up to two years may be obtained upon filing. Graduate Deans may grant embargo extensions beyond the initial two years. Please see Section III.D ("Delay of Open Access / Embargo") of the policy.

### **What does the University of California gain by this thesis/dissertation policy?**

A doctoral dissertation or master's thesis represents the culmination of a degree program at UC, an institution with fundamental missions of teaching, research, and public service. These works document a graduate student's contribution to academic research in a specific discipline. Key to this contribution is the presentation of research results that reflect the highest degree of scholarship and adherence to disciplinary norms.

By virtue of this policy, UC obtains a limited license to permit electronic theses or dissertations authored by UC graduate students to be available in an open access repository. Libraries used to maintain hard copies of theses/dissertations on library shelves or microfilm. UC has moved away from this model over the past 20 years, making theses and dissertations available digitally through a commercial scholarly database (ProQuest Dissertations and Theses) and the university's open access repository. Most UC campuses already provide immediate online public access to theses and dissertations as a default, and require special approval for embargoes longer than two years. This policy is intended to improve uniformity and clarity about the processes and expectations around open access to theses and dissertations.

**Aren't there other systemwide UC open access policies already in existence? If so, what are the key differences between those other open access policies and this one for theses and dissertations?**

Yes, there are at least two other systemwide UC open access policies: one for the [Academic Senate](#) members only, and the other is the [Presidential Open Access Policy](#), applicable to all non-Academic Senate authors who have written scholarly articles while employed at UC (including non-Academic Senate faculty and staff members). These policies are specifically directed to *published* scholarly articles. On the other hand, the Open Access for Theses and Dissertations Policy is limited to graduate students' theses and dissertations, most of which will not have been previously published in journals or in similar publications, but instead represent the original contribution to scholarship resulting in their being awarded a graduate degree by UC. For more information about the existing UC open access policies, please see: <http://osc.universityofcalifornia.edu/open-access-policy/index.html>.

**What if my thesis or dissertation contains patentable subject matter, and I have not yet filed a patent application or obtained a patent on this subject matter?**

In most cases, an embargo for one or two years is sufficient. Under current patent law, an inventor has up to one year from the time he or she publicly discloses an invention within which to file a patent application. So even in the absence of an embargo, one could publicly disclose a patentable invention in a thesis or dissertation (or elsewhere) and, within one year, still apply for a patent. If two years is not sufficient, a student can follow the procedure to extend the embargo.

**What if my thesis or dissertation incorporates works of other copyright owners?**

Whether works by others can be incorporated in a piece of scholarship shared on the web varies according to the individual circumstances. This is not a new issue - theses and dissertations have been shared worldwide for years, including in ProQuest databases. Many in-depth resources exist to help students and advisors work through these issues - see the UC Berkeley Library's guide to [Copyright and Publishing Your Dissertation](#) and [Copyright and Your Dissertation or Thesis: Ownership, Fair Use, and Your Rights and Responsibilities](#) by Kenneth Crews.

**Will journal or book publishers consider publishing my thesis/dissertation if it is already available in an open access repository, like eScholarship?**

Policies and practices of publishers vary; most scholarly publishers do not bar publication of articles or books that are based on theses or dissertations available in an open access repository, especially if there are substantive differences between the thesis/dissertation and the final work published by the publisher. This is partly because most publishers consider theses and dissertations to be "student works" that will require substantial editing and revision before being published in article or book form. Students working with a publisher that objects to an earlier version of a proposed publication may

obtain an embargo or embargo extension by following the embargo procedures.

**Does this Open Access for Theses and Dissertations Policy allow commercial use by eScholarship users or other end users?**

No, unless the author of the thesis/dissertation chooses to allow commercial reuse. The default for all deposited theses/dissertations is the default under copyright law – all rights are reserved by the copyright owner (e.g., the graduate student authors), with exceptions for things like fair use. In other words, end users cannot simply reproduce your thesis/dissertation and distribute your work without your permission, except as permitted under copyright law (e.g., fair use). Alternatively, authors may choose to grant eScholarship users and other end users reuse permissions, including commercial reuse, by choosing a [Creative Commons](#) license for their thesis/dissertation at the time of deposit, if their campus submission form supports these licenses.

**How do I actually deposit my thesis/dissertation into an open access repository, like eScholarship?**

Deposit of the thesis/dissertation in the open access digital repository takes place as part of the procedure for filing your finalized dissertation. Filing procedures are governed by the policies and procedures of your UC campus. Please refer to your Graduate Division for information about the filing procedures at your specific campus.

**What if I have further questions about this Open Access for Theses and Dissertations Policy?**

Check with your advisor or department chair. If they are unable to answer your questions, the Deans of the Graduate Division (or the delegates of the Dean) for each campus are the responsible officers for this policy – including communications and compliance – at the local level.