The subcommittee met on April 2, 2014 to discuss and consider issues related to the academic, legal, ethical, and fiscal ramifications of an open access policy as it pertains to or could potentially pertain to “the determination of which researchers and which research ought to be covered by an open access policy, including, but not limited to, the questions of whether a policy should cover: 1) theses and dissertations written by students at public institutions; 2) research conducted by employees of State agencies; 3) research materials digitized using State funding; 4) data collected by covered researchers; 5) research conducted by faculty at institutions that receive Monetary Award Program grant under Section 35 of the Higher Education Students Assistance Act; 6) research conducted by part-time, adjunct, or other non-permanent faculty; 7) research at least one of whose co-authors is covered by the policy; 8) research progress reports presented at professional meetings or conferences; 9) laboratory notes, preliminary data analyses, notes of the author, phone logs, or other information used to produce final manuscripts; and 10) classified research, research resulting in works that generate revenue or royalties for authors (such as books) or patentable discoveries.”

After discussion and consideration, the sub-committee agreed with a general opinion regarding the issues of whose work and which research ought to be covered by the Open Access Policy and associated procedures:

Issues related to whose and which works should be covered by the Open Access Policy centered on two recurrent themes that were quickly identified as part of the deliberation. First, the dominant theme that emerged was that the purpose and goal of any Open Access Policy and its related procedures should be to provide widespread access to and ready dissemination of scholarly and creative works. As such, the policy should be sufficiently broad to extend to and to include individuals with any State affiliation and their works. In doing so, however, it is evident that Open Access Policy and associated procedures are best viewed as a benefit, as opposed to a mandate, for authors who are directly or indirectly affiliated with the State or a State entity. Moreover, a core extension of this perspective is that the decision to opt-in or opt-out of the Open Access Policy must be maintained throughout the policy and associated procedures as a decision that is solely that of the individual author or team of authors in the case of collaborative works. Second, any work that is made available in accordance with the policy must be of a sufficient quality and form that it can be universally shared and utilized. As such, the creative and scholarly works must meet a standard for the work to be complete, thorough, and sufficiently independent from other works that it could reasonably be disseminated through alternative means. The specifics of the standard for disseminable scholarly and creative works are yet to be determined.

Regarding the ten groups or types of research enumerated in the Task Force Charge, the subcommittee believed that 1) students’ theses and dissertations, 2) research conducted by employees of State agencies, 3) research supported or sponsored by State grants, 4) research conducted by faculty at the approved Monetary Award Program schools, 5) research conducted by part-time, adjunct, or other non-permanent faculty, 6) research for which at least one of the co-authors is covered by the policy, and 7) classified research and research that could result in works that generate revenue or royalties for authors (such as books) or patentable discoveries should all be covered by the policy with the
stipulation that the authors have the choice to opt-in or opt-out of the policy and any associated procedures required to electronically disseminate their works on a work-by-work basis. Potentially incomplete works such as those identified in the Task Force Charge as 1) research materials digitized using State funding, 2) data collected by covered researchers, 3) research progress reports presented at professional meetings or conferences, and 4) preliminary data analyses, notes of the authors, phone logs, or other information used to produce final manuscripts all raised the same concern. First, these four categories of preliminary or partial materials that may or may not have resulted in final scholarly or creative works may not provide a sufficiently thorough and complete explanation to be accurately understood and utilized by others. Secondarily, inclusion of numerous preliminary materials may saturate the policy, associated procedures, or the repository itself with incomplete and unusable materials. As such, the subcommittee felt that any scholarly or creative work covered by the policy should be of a form that is sufficiently complete, thorough, and independent from other works that it could reasonably be disseminated through alternative means.

Submitted May 6, 2014 by Colin R. Harbke and Nancy Parsons.