

# Sunny with a Chance for Increased Visibility:

A discussion of Open Access (OA) principles, and what that means for UNC Charlotte

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# Forecast

1. Legal & Policy Considerations
2. Identifying Open Access Requirements
3. Open Access at UNC Charlotte
4. Scenarios
5. Resources
6. Questions



# Legal and Policy Considerations

- ❑ The UNC Policy Manual 500.2, Patent and Copyright Policies
  - ❑ Section I, Purpose: “It is the policy of the University to carry out its scholarly work in an open and free atmosphere and to publish results obtained there from freely.”
  - ❑ <https://www.northcarolina.edu/apps/policy/index.php#policy-tab>
  
- ❑ University Policy 315: Copyright Policy
  - ❑ Compliance with the terms of University Policy 315 is a condition of employment for University faculty and staff, and of enrollment for University students
  - ❑ <https://legal.charlotte.edu/policies/up-315>



# Legal and Policy Considerations (continued)

- ❑ Works created by Faculty or EHRA Non-Faculty Employees:
  - ❑ Traditional (non-directed) work – As a condition of employment, faculty and EHRA non-faculty creators of a Traditional or Non-Directed Work shall be deemed to have granted the University a perpetual, non-exclusive, non-transferable, royalty-free license to use the work for the University’s own non-commercial educational or research use.
  - ❑ Educational = use for the purpose of offering regular academic course credit through a UNC Charlotte academic department.
- ❑ **This means:** while the University is granted a license to the work, the employee remains the copyright holder and has the exclusive rights of ownership outlined in [17 USC 106](#) – reproduction, adaptation, publication, performance, and display



# Legal and Policy Considerations (continued)

- ❑ SHRA Staff Employees:
  - ❑ Most works by SHRA Staff Employees will be considered “works made for hire,” and will be owned by the University
  - ❑ There can be exceptions to University ownership:
    - ❑ when the SHRA Staff Employee enters into an agreement with the University in advance that the employee will own the copyright;
    - ❑ University ownership is appropriately waived; or
    - ❑ The SHRA Staff employee/creator is an author or co-author of a Traditional or Non-Directed Work, but only to the extent necessary to allow the SHRA Staff employee/creator to assign rights to academic publishers for publication made with no more than nominal consideration to the creators



# Legal and Policy Considerations (continued)

- ❑ Works created by Students:
  - ❑ Definition: papers, computer programs, theses, dissertations, artistic and musical works, and other creative works made by University students
  - ❑ Ownership: Students retain ownership of copyright in their Student Works; provided however, that as a condition of enrollment the student shall be deemed to have granted the University a non-exclusive, perpetual, world-wide, royalty-free right and license to reproduce and publicly or privately display, distribute or perform each Student Work for the University's own non-commercial educational purposes.
  - ❑ The University's right and license is subject to the student's privacy rights under Federal law.
- ❑ Student Employees:
  - ❑ If created during the course of the student's employment by the University, then it is considered a Work Made for Hire (which means it is owned by the University, unless there is a written arrangement between the University and student-creator).



# Legal and Policy Considerations (continued)

- ❑ The license granted under the Open Access policy comports with UNC Policy Manual 500.2 and University Policy 315
  - ❑ Both policies permit the University to retain a “perpetual, non-exclusive, non-transferable, royalty-free license to use the work for the University’s own non-commercial educational or research use” (Section V.A.1.b. of University Policy 315).
- ❑ The Open Access policy language provides the University with “a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, provided that the articles are not sold for a profit, and to authorize others to do the same.”



# Identifying Open Access Requirements

- Office of Science & Technology Policy (OSTP) memorandum on Ensuring Free, Immediate, and Equitable Access to Federally Funded Research
- Agency - update public access policies
- Make publications and research **funded by taxpayers publicly accessible, without an embargo or cost.**
- All agencies will fully implement updated policies, including ending the optional 12-month embargo, no later than **December 31, 2025.**



# Creative Commons Licensing + Open Access

- CC-BY-**NC**: non-commercial reuse
- CC-BY-**NC-ND**: no distribution of derivative works
- CC-BY-**ND** license: commercial use, but no derivative works



# Open Access at UNC Charlotte

- Gold Open Access Support
  - Open Access Fund
  - Read and Publish (Transformative) Agreements
  - Subscribe to Open Model Participation
  - Author Contract Guidance
  - Open Access Journal review
- Green Open Access Support
  - Niner Commons
  - Guidance on requirements for government funding
  - Proposed Open Access Policy



# Open Access Requirements: NSF 18-041

- Principal investigators
- Publish **peer-reviewed journal articles** or **juried conference papers**
- Deposit a copy of the items (either the **final accepted version** or the **version of record**, as defined in NSF's public access plan) in **NSF-PAR**.
- Request funds for the 'costs of documenting, preparing, publishing or otherwise making available to others the findings and products of the work conducted under the grant
- Required despite **multiple funding sources**



# Scenarios: NSF Open Access Requirements

- Your research is primarily **funded** by North Carolina Biotechnology Center Biotechnology Innovation Grant, with additional funding coming from the Babcock Foundation Mary Reynolds Grants, and funding from NSF. (Multiple Funding Sources).
- You want to publish in FEBS Letters, a Wiley publication. The **Author contract** grants “exclusive rights” to Wiley, but the author “**retains copyright**” and places a **CC-BY-NC license** on the article.
- FEBS Letters is “a not-for-profit society journal for the rapid publication of original research that impacts and advances knowledge in the molecular life sciences.”



# Resources

Open research at Charlotte: <https://www.youtube.com/watch?v=r1yC4CcL05c>

SPARC: Article and Data Sharing Requirements by Federal Agency  
<https://researchsharing.sparcopen.org/>

NSF 18-041, Frequently Asked Questions (FAQs) for Public Access  
<https://www.nsf.gov/pubs/2018/nsf18041/nsf18041.jsp#q14>

Guide to Open Access  
<https://authorsalliance.org/wp-content/uploads/Documents/Guides/Authors%20Alliance%20-%20Understanding%20Open%20Access.pdf>



**Questions?**

