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Lamont-Doherty Earth Observatory Open Access Policy

This resolution is to be implemented by the Lamont-Doherty Earth Observatory (LDEO) of Columbia University, pursuant to a vote of the Executive Committee of LDEO, taken at its regular meeting of December 22, 2010.

The effective date is March 1, 2011.

Preamble

Columbia University is a community of scholars committed to disseminating and sharing the intellectual fruits of their research and scholarship. At Columbia University, the scholarly community includes Officers of the University (comprising officers of instruction, research, administration, and the library) and other professional staff members. In recognition of their commitment to Columbia's research mission, the officers and professional staff within the endorsing units of Columbia University are determined to take advantage of available technologies that can enhance accessibility of Columbia scholarship by colleagues and other researchers, educators, policymakers, and interested readers worldwide; to employ technologies that can preserve copies of their works for future study; and to provide full-text online discoverability of their scholarly works. The officers and professional staff members also desire to join the efforts of many of Columbia's peer institutions in support of public access; in the process they seek to coordinate Columbia's initiatives with customary practices and legal obligations associated with many scholarly works. In furtherance of these objectives and opportunities, the endorsing parties hereby resolve:

Resolved:

Each officer and other professional staff member within LDEO hereby commits to make his or her scholarly journal articles accessible to the public through a digital repository based at Columbia University or through an appropriate alternative open-access repository.

Implementation of this Resolution

Each officer or other professional staff member who is the author or co-author of a work of scholarship (see the scope of works as defined below) shall submit to the digital repository based at Columbia University (the current repository is known as Academic Commons), a copy of such work, together with any bibliographic or citation information. The author hereby grants to The Trustees of Columbia University in the City of New York a nonexclusive, irrevocable, royalty-free, worldwide license to exercise any and all rights under copyright relating to all such works of scholarship, created after the adoption of this resolution, solely for the purpose of providing and maintaining public access to them. This resolution does not alter copyright ownership rights determined in accordance with law or the Columbia University Copyright Policy. Many scholars based at Columbia University currently make some or all of their works available through other publicly accessible repositories such as arXiv or PubMed Central. In lieu of submission of a work to Academic Commons, an author may satisfy the terms of this resolution by making such work available through an alternative repository of the author's choosing, provided that such repository makes the work accessible in full-text to the public, without costs or other restrictions (other than customary embargoes) imposed on any individual user, and that it offers to preserve and maintain access to the work indefinitely.

Scope of Works of Scholarship

This resolution applies to scholarly journal articles that meet the following criteria:

- The work is authored or co-authored by an officer or professional staff member while employed at Columbia University;
- The work is not subject to an incompatible publication agreement, license, or assignment entered into before the adoption of this resolution;
- and The work is in a digital format and of a type that may be included in Academic Commons or other repository consistent with its policies and practices.

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The version of the work that may be deposited may depend on the exact terms of that author's agreement with the journal publisher. If not otherwise specified in the agreement for publication, the version shall be the author's final version, which would ordinarily be the version after the article has gone through peer review and any revisions responsive thereto and any further copyediting in which the author has participated. Although the commitment in this resolution applies only to scholarly journal articles, members of the university community are encouraged to consider making all forms of scholarly works, including articles, essays, datasets, books, conference papers, reports, presentation slides, and audiovisual works, available through the appropriate repository.

Waivers and Relationship to Publication Agreements

This resolution is not intended to interfere in any way with an author's plans to pursue publication of the work or patent rights associated with the work. However, publication of a work is often subject to an agreement between the author and publisher, and such agreement may include provisions that support access or that are incompatible with this resolution. Authors should carefully review their publication agreements. Most situations will be one of the following:

- *The author entered into an agreement for publication before adoption of this resolution:* This resolution does not apply to such work. The author may voluntarily contribute it to the repository as the agreement may permit.
- *The author has deposited the work with the repository, and later considers entering into a publication agreement:* This resolution is a nonexclusive license to the University and does not prevent the author from making other uses of the work. The author should inform the prospective publisher of the prior license and include language (see suggestion below) in the publication agreement that may resolve any conflict.
- *The author is considering entering into a publication agreement and has not yet deposited the work or a version of it with the repository:* This resolution is a commitment by the author to submit the scholarly work to the repository. The author is therefore asked to review the publication agreement carefully and to include language (see suggestions below) in the agreement that may resolve any conflict.

The University, through the Copyright Advisory Office, or Office of General Counsel, or other office, will provide guidance to assist authors who are negotiating and adding language to publication agreements. However, most possible conflicts suggested in the foregoing situations may be resolved by adding to the agreement a statement such as: "Notwithstanding any provision in this agreement to the contrary, the publisher understands and accepts that the article or other publication is subject to the Open Access Commitment of Columbia University."

If accessibility of a work pursuant to this resolution is ultimately incompatible with the author's plans for publication, or with the publisher's contractual obligations, the author may request in writing a waiver or postponement of obligations under this resolution, and such request shall be granted. Columbia University shall implement a means for receiving and fulfilling such requests for waivers or postponements.

Administration of the Resolution

The Dean, Director, Chair, or other head of any unit at Columbia that has adopted this resolution shall be responsible for resolving questions arising within the unit concerning the interpretation and application of the resolution. The Vice President for Information Services and University Librarian shall be responsible for implementing procedures and resolving questions regarding the administration of the University's repository. Each of these persons may act through a designated delegate.

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