

OPEN ACCESS POLICY

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1. **PURPOSE**

- 1.1 This policy aims to provide guidance to Lincoln University staff and postgraduate students, in both how and when they might choose to make their intellectual output (including research outputs, research data, teaching materials, public records) openly and freely accessible on the web.
- 1.2 As an organisation Lincoln University has a policy position which endorses making content openly and freely available as the first and preferred option.
- 1.3 Lincoln University takes a broad ethical position which asserts that if public funding has supported the creation of an idea, research or other content then it is reasonable and fair that it be made publicly accessible.
- 1.4 The University fully understands that there will be circumstances when it would be inappropriate to make research or other content openly accessible to the public. There will be instances where we may wish to protect our intellectual property or there may be ethical, commercial or cultural reasons for protecting material. In these instances the material is protected by other University policies. (See Section 6 for links to other Lincoln University policies that override the Open Access Policy.)

2. **DESIRED OUTCOMES**

- 2.1 This policy seeks to:
 - 2.1.1 Provide a clear statement that Lincoln University endorses Open Access as our preferred position as an organisation;
 - 2.1.2 Provide clear guidelines on the ownership and copyright of content (research outputs, research data, teaching materials and public records);
 - 2.1.3 Provide clear guidance on how and when to apply a Creative Commons licence to Open Access materials;

- 2.1.4 Provide clear guidelines on circumstances where Open Access may be deemed inappropriate or unwise.

3. PRINCIPLES

- 3.1 This policy is based upon the following principles relating to Lincoln University and its place in society:

- 3.1.1 Lincoln University will actively encourage all content produced by staff, and in some instances postgraduate students, to be openly shared and disseminated on the web. However, there may be some situations where open access is not suitable (see section 4.3 below);

- 3.1.2 The outcomes from the Treaty of Waitangi claim WAI 262 of 2011 relating to New Zealand's law and policy affecting Maori culture and identity will be considered in all decisions relating to making material Open Access;

- 3.1.3 Copyright owners are encouraged to apply a Creative Commons Licence to their intellectual output to determine how material may be used, reused or repurposed;

- 3.1.4 It is desirable that all content produced by staff is made accessible through one of Lincoln University's Open Access repositories:

Research

- Lincoln University Research Archive (LURA)
<http://researcharchive.lincoln.ac.nz/>
- Lincoln University Community Archive (LUCA)
<http://communityarchive.lincoln.ac.nz/>
- Other Lincoln University websites

Teaching

- Lincoln University Teaching Repository (under development);

- 3.1.5 When not overridden by other Lincoln University Policies, materials (including but not limited to webpages, publications, public records, software and data bases) to which Lincoln University holds the copyright will be made available under an appropriate Creative Commons or other public copyright licence.

4. GUIDELINES

Ownership and Copyright (see Section 4.3 Lincoln University [Intellectual Property Policy](#))

- 4.1 The copyright of:

- **Research outputs and research data** is held by the content creator/s (researcher/s) unless copyright is signed over to a third party e.g. external publisher.
- **Teaching materials** is held by the content creator/s however the University maintains a permanent right to use these teaching materials for its own purposes.
- All other materials where Lincoln University holds the copyright.

Creative Commons Licence (or other public copyright licence)

- 4.2 This Open Access Policy encourages Lincoln University authors/content creators to use Creative Commons or other public copyright licences to provide guidance as to how they wish their content to be used.
- 4.3 **Creative Commons** provides free licences and tools that copyright owners can use to allow others to **share, reuse and remix** their material legally.
- 4.4 Authors/Content creators need to be aware of their own obligations or responsibilities when using others copyright material in an open environment.
- 4.5 These licences are easy to understand and legally robust. There is a suite of six Creative Commons licences providing a range of options between full “All Rights Reserved” copyright and the public domain.
- 4.6 Each licence has different rules and grants a different range of freedoms. All Creative Commons licences require that you credit the original creator when re-using their work in any way.
- 4.7 Creative Commons Aotearoa New Zealand (www.creativecommons.org.nz, CCANZ) guides author(s)/content creator(s) in describing how and when to use a Creative Commons licence in the New Zealand context.

When Open Access May Be Inappropriate

- 4.8 There are a various reasons why some material may not be appropriate for Open Access including:
- Material that is copyrighted (or licensed) by other individuals, organisations or companies, e.g. textbook publishers who have not given permission for open access.
 - Commercially sensitive information, e.g. potential IP from a Lincoln research project or privileged comments from a guest speaker.
 - Material that would be difficult to make widely available, e.g. software simulations run on internal Lincoln servers.
 - Other material that content creators feel is not appropriate to make available outside their classes or the University, e.g. early drafts or material that could be misinterpreted.

5. DEFINITIONS*Open Access*

- 5.1 While Open Access usually refers to free and immediate access to the results of scholarly research funded by the public purse, it can also be applied to other content such as teaching materials or public records.

5.2 For content to be deemed open access, the author/creator needs to remove not just price barriers but also permission barriers. This understanding derives from what Suber (<http://legacy.earlham.edu/~peters/fos/overview.htm>) calls the “BBB definition” i.e. the common ground among the three major public definitions:

- The Budapest definition: <http://www.budapestopenaccessinitiative.org/read>
- The Bethesda definition: <http://legacy.earlham.edu/~peters/fos/bethesda.htm>
- The Berlin definition: <http://oa.mpg.de/lang/en-uk/berlin-prozess/berliner-erklarung>

5.3 The Budapest definition is supported by SPARC (<http://www.sparc.arl.org/openaccess>), the Scholarly Publishing and Academic Resources Coalition, an international alliance of academic and research libraries working to correct imbalances in the scholarly publishing system.

5.4 “By open access, we mean its immediate, free availability on the public internet, permitting any users to read, download, copy, distribute, print, search or link to the full text of these articles, crawl them for indexing, pass them as data to software or use them for any other lawful purpose.”

Creative Commons

5.5 An organisation that has defined an alternative to copyright by filling in the gap between full copyright in which no use is permitted without permission and the public domain, where permission is not required at all.

WAI 262

5.6 Recognises and provides for the outcomes from the Waitangi Tribunal claim WAI 262, commonly known as the indigenous flora and fauna and cultural and intellectual property claim. The report was released on 2 July 2011 and concerns one of the most complex and far-reaching claims ever to come before the Waitangi Tribunal. It is the Waitangi Tribunal’s first whole-of-government report, addressing the work of around 20 government departments and agencies and Crown entities.

Mandated Archive

5.7 As a condition for a research grant, research funders can require (mandate) that a copy of any resulting research papers be placed in a specific open access repository (a mandated archive).

LURA

5.8 Lincoln University Research Archive (<http://researcharchive.lincoln.ac.nz/>) is a digital research archive or "institutional repository" for Lincoln University - a place to store, index, preserve and redistribute in digital formats the research output of the University's staff and students.

LUCA

- 5.9 The Lincoln University Community Archive (<http://communityarchive.lincoln.ac.nz>) is a web based digital archive where the visual history of the people, events, and community of Lincoln University are stored and curated. It is a dynamic site where users can submit stories and comments to enhance the collections, and can send copies of photos and other digital artefacts for inclusion. The archive covers the period since the founding of the organisation to the present day.

NZGOAL

- 5.10 The New Zealand Government Open Access and Licensing framework (NZGOAL, <http://nzgoal.info>) is government guidance for agencies to follow when releasing copyright works and non-copyright material for re-use by others. It seeks to standardise the licensing of government copyright works for re-use using Creative Commons New Zealand law licences and recommends the use of 'no-known rights' statements for non-copyright material.

6. LINKS WITH OTHER LINCOLN UNIVERSITY POLICIES

- ❖ [Policy on Intellectual Property](#)
- ❖ [Policy on Distribution of Revenue from Commercialisation of Intellectual Property](#)
- ❖ [Human Ethics Committee](#)
- ❖ [Animal Ethics Committee: Code of Conduct for the Use of Animals](#)
- ❖ [Research Archive Policy](#)
- ❖ [Policy on Research](#)
- ❖ [Records Management Policy](#)

Government policy positions:

- ❖ [NZGoal](#) outlines the New Zealand Government's Open Access Licencing Policy
- ❖ [Creative Commons Aotearoa NZ](#) (CCANZ) provides guidance on how to apply Creative Commons licences.

7. REVIEW

- 7.1 This policy will be reviewed every 2 years. It will not be amended without consultation with staff and student representatives.

Manager: Vice-Chancellor
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