

Hamilton College Faculty Open Access Policy - FAQ

Hamilton's policy is by intent a more concise document than most of its antecedents. Below are answers to some common questions not fully explicated within the text of the policy.

What are the benefits of an open access policy?

Policies that provide faculty authors with automatic rights retention for their scholarly articles and affirm a commitment to making faculty scholarship openly accessible:

- allow authors to retain extremely broad use and reuse rights with a minimum of effort
- allow universities to help authors in openly distributing articles for maximum impact
- allow other researchers and the general public to obtain broader access to articles
- support these benefits without the need to negotiate with publishers while preserving academic freedom, author choice, and consistency with copyright law

What other institutions have open access policies?

College and university open access policies are almost universally based on the type of rights-retention resolutions passed by faculty at [Harvard](#) (2008) and [MIT](#) (2009). Among small liberal arts colleges, the faculty at [Trinity University](#) and [Oberlin College](#) were the first to adopt open access policies based on this model (2009). More recently, faculty at [Amherst](#) (2013), [Bryn Mawr](#) (2013), [Wellesley](#) (2013), [Smith](#) (2015), and [Middlebury](#) (2016)--among others--also adopted open access policies.

The [Registry of Open Access Repository Mandates and Policies](#) (ROARMAP) is a searchable international registry charting the growth of open access mandates and policies adopted by universities, research institutions and research funders that require or request their researchers to provide open access to their peer-reviewed research article output by depositing it in an open access repository.

What models were used in drafting this policy?

Hamilton's open access policy takes as its starting point suggestions from "A Model Open-Access Policy" by Stuart M. Shieber (<https://osc.hul.harvard.edu/modelpolicy/>) and the Harvard Open Access Project's "Good Practices for University Open-Access Policies" (<http://bit.ly/goodoa>). The "good practices" outlined in these documents recommend a policy that provides for automatic default rights retention in scholarly articles and a commitment to provide copies of articles for open distribution.

Do I lose any rights to my work under this policy?

No. The license will have no effect on the copyright ownership of faculty articles, which remains with the authors unless they assign them to another party. Moreover, the license is revocable at will for individual articles. If directed by a faculty author, the Dean of Faculty or the Dean's designate will

automatically waive application of the license for a particular article or delay access to it for a specified period.

What is the rationale for granting nonexclusive rights to the college?

The primary purpose of this language is to preserve the rights of faculty authors. Section 205(e) of the Copyright Act of 1976 states that “a nonexclusive license, whether recorded or not, prevails over a conflicting transfer of copyright ownership” ([17 U.S.C. § 205\(e\)](#)). Establishing a transfer of rights from faculty members to the college (and back again) in advance of future publishing contracts provides a mechanism by which faculty authors can retain their copyrights and frees them from the need to negotiate with publishers.

Does the policy require attaching an addendum to my contracts?

An author addendum is not necessary, since the policy grants to Hamilton College all the rights required for making articles openly accessible prior to any contract being signed. Consequently, these rights do not need to be obtained from the publisher. However, it is recommended that faculty authors send to their publisher a letter that includes the college’s open access policy along with their signed contract. This provides publishers with an opportunity to either alter the contract’s language (in cases where the provisions of the contract may conflict with Hamilton’s open access policy) or request the faculty author to obtain a waiver from the policy.

What if my publisher objects to the open access policy's terms?

Faculty members may at any time direct the college to provide a waiver from the open access license established by the policy. This document can be automatically generated using the online form for faculty article submissions and waivers.

Do I need permission from my coauthors to share our work in the repository?

Each coauthor has an equal right to exercise their copyright in joint works under U.S. law. Hamilton authors thus have no legal obligation to seek permission from their coauthors to make an article publicly available. However, Hamilton faculty always have the option to obtain a waiver from the license for an article solely at their discretion.

What constitutes a scholarly article?

An annotation from [“A Model Open-Access Policy”](#) provides guidance on this point: “What constitutes a scholarly article is purposefully left vague. Clearly falling within the scope of the term are (using terms from the Budapest Open Access Initiative) articles that describe the fruits of scholars’ research and that they give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings. Clearly falling outside of the scope are a wide variety of other scholarly writings such as books and commissioned articles, as well as popular writings, fiction and poetry, and pedagogical materials (lecture notes, lecture videos, case studies).”

What version of my article should I submit?

In most cases, you will want to provide a PDF of the accepted author manuscript. That's the final manuscript version of your article that incorporates peer reviewer comments and editing, but has not been formatted for publication.

How will I provide a copy of my article for inclusion in the repository?

Link to the prototype form at: https://hamilton.qualtrics.com/jfe/form/SV_4GvqPGoQhw9qEIZ.

Can faculty share work other than scholarly articles in the repository?

Yes. The [Hamilton Digital Commons](#) is an open archive for scholarly and creative works by Hamilton College faculty, students and staff. Faculty are encouraged to submit work they would like to make available to a wider audience, including (but not limited to) artwork, books, book chapters, conference presentations, learning objects, musical compositions, research data, and working papers.

Where can I find more information about open access?

You can find more information about open access at <https://www.hamilton.edu/lits/open-access>.