



Version	Approved by	Approval date	Effective date	Next full review
2.0	President and Vice-Chancellor	6 December 2021	1 December 2021	December 2024
<b>Policy Statement</b>				
<b>Purpose</b>	<p>UNSW is a research and teaching-intensive university committed to achieving global impact. Open dissemination of our scholarly research, online and world-wide is fundamental to our role as a global leader in accelerating discovery, innovation, engagement and impact, and education.</p> <p>Open access enables UNSW to share our capability in research and education effectively and equitably with global partners and stakeholders. By facilitating timely exposure, sharing, comparison, and critique of research, open access supports the generation of new knowledge applied to solve complex problems, deliver social benefits, and drive economic prosperity, locally, nationally, and globally. It also enables UNSW to meet requirements of national and international funding bodies, including the Australian Research Council (ARC) and National Health and Medical Research Council (NHMRC).</p> <p>UNSW is committed to enabling open access to published Research Outputs produced at UNSW and initiatives to improve access to publicly funded research. UNSW adopts the FAIR principles in its approach to open access, to ensure that research is Findable, Accessible, Interoperable, and Reusable utilising infrastructure, services, and expertise from across UNSW including the Division of Research and Enterprise, and Library. UNSW's approach acknowledges that open access is an essential part of the broader movement towards open research.</p>			
<b>Scope</b>	<p>This policy applies to all researchers undertaking research at UNSW. The policy applies to published Research Outputs authored or co-authored by research students and staff that meet the definition of research subject to the following exceptions.</p> <p>This policy does not apply to:</p> <ul style="list-style-type: none"> <li>material that does not meet the definition of Research.</li> <li>theses that are not within the scope of thesis examination procedures, for example undergraduate Honours theses.</li> <li>confidential and sensitive material or material subject to commercialisation arrangements.</li> <li>material which if made available online under this Policy would infringe third party intellectual property rights, statutory obligations, or contractual or other legal obligations.</li> </ul>			
<b>Policy Provisions</b>				

## 1. Open Access principles

UNSW requires all researchers to make specified Research Outputs openly available online by depositing where applicable either the published Version of Record or Author Accepted Manuscript of their published Research Outputs into the UNSW institutional repository immediately at the time of first publication for the purpose of providing open access to their research. The UNSW institutional repository is UNSWorks.

UNSW researchers are also encouraged, wherever possible, to make other Research Outputs including books and book chapters, non-traditional Research Outputs, published research data, code, software, and images available in UNSWorks.

Some faculties may develop local arrangements to facilitate mandatory deposit of non-mandatory Research Outputs, such as Non-Traditional Research Outputs.

This Open Access Policy supports compliance with the University's obligations under contracts, funding rules and open access policies of the Australian Research Council (ARC), National Health and Medical Research Council (NHMRC), and other public and private research funding bodies.

Research Outputs funded by other national or international funding bodies must also be compliant with their respective open access mandates.

Publication metadata of all Research Outputs must be provided at the time of first publication to the UNSW Library via the Research Output System (ROS).

Higher Degree Research (HDR) theses may be embargoed for up to two years from the date when the final digital copy is submitted to the Library as provided in the UNSW Thesis Examination Procedure.

## 1.1. Research Outputs

The following published Research Outputs **must** be made openly available by deposit to UNSWorks:

- peer-reviewed journal articles
- peer-reviewed conference papers that meet the definition of research
- research reports commissioned by an external body that meet the definition of research
- Higher Degree Research theses submitted via the Graduate Research School (refer to the *UNSW Thesis Examination Procedure*).

**Wherever possible**, this policy also requires researchers to make the following Research Outputs openly available by deposit to UNSWorks:

- books and book chapters
- other published conference papers
- non-traditional Research Outputs (such as creative works and curated exhibitions) or their representation
- published research data
- software and computer code
- research materials designed to engage with end-users such as podcasts, blog posts, and articles/commentary (for example, for *The Conversation* and similar outlets).

The following material is out of scope and not accepted for deposit to UNSWorks:

- confidential or sensitive material or material subject to commercialisation arrangements
- material that contains defamatory or unlawful content
- Research Outputs that have been retracted
- Research Outputs which, if disseminated by UNSWorks, would infringe a legal obligation of UNSW and/or the author(s) or creator(s), or the legal rights of a third party
- coursework materials
- pre-prints

## 2. Deposit to UNSWorks

Where applicable, the Version of Record or Author Accepted Manuscript should be deposited to UNSWorks. Research Outputs which are deposited to UNSWorks will not be altered except as permitted under the terms of the UNSWorks deposit licence or as required by law to:

- reproduce, electronically communicate, and distribute the open access copy, including open access copies of the Version of Record of the specified work
- make more than one copy of the work or materials for the purposes of security, back-up, and preservation
- append publication metadata and licence information to communicate reuse rights, and to ensure licence and copyright compliance.

### 3. Ownership of Intellectual Property Rights

The ownership of Intellectual Property rights, including copyright, in Research Outputs is governed by the UNSW Intellectual Property Policy, and by the general law (including statute law, and contracts).

As per the UNSW Intellectual Property Policy, the University asserts legal and beneficial ownership over Research Outputs created by academic, professional, technical or administrative Staff and Affiliates. The University asserts a non-exclusive licence to Research Outputs including books and journal articles, for the University's teaching and research purposes.

Consequently, for all outputs that fall within the scope of the UNSW Intellectual Property policy, UNSW researchers must retain all necessary rights to enable them to publish and share their publications in any format at any time and may not grant an exclusive copyright license in the Research Output to any other person or organisation. For each published Research Output produced in whole or part by UNSW researchers, at least one of the Version of Record or Author Accepted Manuscript versions must be licensed with the Creative Commons Attribution CC-BY licence.

If a UNSW researcher is submitting a manuscript to a journal that does not yet by default allow the author to make the Version of Record immediately openly accessible with a CC-BY licence the researcher must either:

1. At the time of submitting the manuscript, inform the journal of the rights retained in the Author Accepted Manuscript (for example, by outlining this in the manuscript or cover letter):
2. Or, if this is not possible at the time of submission, amend the publishing agreement.

In either instance, researchers may use the following text to retain their rights:

"This research was produced in whole or part by UNSW Sydney researchers and is subject to the UNSW Intellectual property policy. For the purposes of Open Access, the author has applied a Creative Commons Attribution CC-BY licence to any Author Accepted Manuscript (AAM) version arising from this submission".

Upon publication, the researcher may then deposit the Author Accepted Manuscript in UNSWorks via ROS.

#### 3.1. Rights of use

Unless otherwise stated, material deposited in UNSWorks is licensed under a Creative Commons Attribution Licence International 4.0 ([CC BY](#)). This license lets others distribute, remix, adapt, and build upon the material, even commercially, as long as they credit the author of the original material. This type of licence allows for the maximum dissemination and use of the material.

#### 3.2. Copyright infringement

When authors deposit Research Outputs, including theses, into UNSWorks, they warrant that they have the authority to do so. That warranty is given on behalf of any co-authors. Authors also warrant that they have removed any third-party materials in their Research Outputs for which they have not received an appropriate licence.

UNSW neither endorses nor accepts the claims of depositors regarding copyright, licences, or suitability of the content of Works for publication.

If a publisher or author believes that their copyright has been infringed by content in UNSWorks, then the [Copyright Takedown Request](#) form can be used to raise this concern with UNSW.

### 4. Roles and Responsibilities

UNSW is responsible for:

- providing and maintaining open access infrastructure, including the UNSWorks institutional repository, to facilitate the open communication of Research Outputs and associated metadata.
- negotiating agreements with selected publishers in support of open access publishing options (University Librarian on behalf of UNSW).
- providing advisory services to researchers and support staff through the Library and the Office of the Deputy Vice-Chancellor Research and Enterprise.

UNSW Authors are responsible for:

- depositing the acceptable version of their Research Outputs into the UNSWorks institutional repository at the time of publication (whether online or in print, whichever is earliest) and in accordance with the relevant funder open access policy, where applicable.

- ensuring UNSW affiliation is correctly stated in all published Research Outputs as per the *Research Code of Conduct* and *Research Misconduct Procedure*.

<b>Accountabilities</b>	
<b>Responsible Officer</b>	Deputy Vice Chancellor Research and Enterprise
<b>Contact Officer</b>	Executive Director, Research Manager, Scholarly Communications, UNSW Library
<b>Supporting Information</b>	
<b>Legislative Compliance</b>	This Policy supports the University's compliance with the following legislation: <i>Copyright Act 1968</i> (Cth)
<b>Supporting Documents</b>	
<b>Related Documents</b>	<a href="#">Research Code of Conduct</a> <a href="#">Intellectual Property Policy</a> <a href="#">Research Data Governance &amp; Materials Handling Policy</a> <a href="#">Handling Research Material &amp; Data Procedure</a> <a href="#">ARC Open Access Policy</a> <a href="#">NHMRC Open Access Policy</a> <a href="#">Research Authorship and Publication Dispute Management Procedure</a> <a href="#">Thesis Examination Procedure</a>
<b>Superseded Documents</b>	Open Access Policy, v1.0
<b>File Number</b>	2017/13084
<b>Definitions and Acronyms</b>	
<b>Acceptable version</b>	The version of a Research Output that is permitted to be made available in UNSWorks. For journal articles, acceptable versions may be either the Author accepted manuscript (AAM) or Version of record (VoR).
<b>Author Accepted Manuscript</b>	The accepted version [of a journal article or monograph] which has been peer reviewed but not typeset or copyedited as defined by <a href="#">Crossref</a> .
<b>Author</b>	Authors of Research Outputs are those, and only those, who have made a significant intellectual or scholarly contribution to the research and its output, and they have agreed to be listed as an author as defined in the <a href="#">UNSW Research Code of Conduct</a> .
<b>Commercialisation</b>	Commercialisation means extracting value from the intellectual property (IP) by marketing a new product, production method, or service based at least partly on the IP. This is the same definition provided by the <a href="#">Australian Government IP Australia website</a> .
<b>Confidential</b>	Confidentiality pertains to the treatment of information that an individual/group/organisation/company has disclosed in a relationship of trust and with the expectation that it will not be divulged to others without permission in ways that are inconsistent with the understanding of the original disclosure. The definition of confidentiality is the same as provided for in the <a href="#">UNSW Research Code of Conduct</a> .
<b>Embargo</b>	In academic publishing, an embargo is a period during which access to academic journals is not allowed to users who have not paid for access (or have access through their institution). (Source: <a href="#">Wikipedia</a> )
<b>FAIR</b>	Findable, Accessible, Interoperable, and Reusable as defined in the <a href="#">Policy statement on FAIR access to Australia's Research Outputs</a>
<b>Higher Degree Research (HDR)</b>	Any person enrolled in a UNSW Higher Degree Research program (Doctor of Philosophy, Professional Doctorate, Masters by Research or Master of Philosophy). This is the definition provided by <a href="#">UNSW Research Code of Conduct</a> .

<b>Institutional Repository</b>	A digital archive for collecting, preserving, and disseminating the outputs of an institution. At UNSW, this refers to UNSWorks.
<b>Intellectual Property</b>	<p>Means all statutory and other proprietary rights (including rights to require information be kept confidential) in respect of inventions, copyright, trademarks, designs, patents, plant breeder's rights, circuit layouts, know-how, trade secrets and all other rights as defined by Article 2 of the Convention establishing the World Intellectual Property Organisation of July 1967, all rights to apply for the same and, for the avoidance of doubt, includes:</p> <ul style="list-style-type: none"> <li>• Patents under the Patents Act 1990 (Cwlth.);</li> <li>• Copyright and moral rights vesting by virtue of the Copyright Act 1968 (Cwlth.) in literary works (including computer programs), dramatic works, musical works, artistic works, films, sound recordings, broadcasts, published editions and certain types of performances;</li> <li>• Trade marks registered under the Trade Marks Act 1995 (Cwlth);</li> <li>• Designs registered under the Designs Act 2003 (Cwlth);</li> <li>• New plant varieties under the Plant Breeder's Rights Act 1994 (Cwlth);</li> <li>• Circuit layouts (computer chips) under the Circuit Layouts Act 1989 (Cwlth); and</li> <li>• Trade secrets and other confidential material under Common Law.</li> </ul> <p>This is the definition provided by <a href="#">UNSW Intellectual Property Policy</a></p>
<b>Metadata</b>	Structured information about the attributes of a Research Output or collection of Research Outputs that enables that output or collection to be identified, retrieved, and managed over time. Typically includes fields such as title, authors, journal name, volume, issue, and page numbers, and may also include data by or about any grants associated with the output.
<b>Non-Traditional Research Outputs (including Research Reports)</b>	Research Outputs that take the form of original creative works, live performances of creative works, recorded/rendered creative works, curated or produced substantial public exhibitions and events, research reports for an external body as defined in Excellence in Research for Australia (ERA) 2018 submission guidelines.
<b>Open Access</b>	Making Research Outputs permanently and freely available via the Internet, permitting any user 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 lawful purpose, without financial, legal or technical barriers other than those inseparable from gaining access to the internet itself. Background information available at the <a href="#">Budapest Open Access Initiative</a> (BOAI) website.
<b>Pre-print</b>	Early draft or manuscript shared by researcher in a preprint repository or dedicated channel (outside of a specific journal) as defined by <a href="#">Crossref</a> .
<b>Publication Agreement</b>	A legal contract between a publisher and a writer or author. May also be referred to as an author agreement or publishing contract., to publish original content by the writer or author. (Source: <a href="#">Wikipedia</a> , referred to as 'Publishing contract').
<b>Research</b>	<p>The creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative. This includes:</p> <ul style="list-style-type: none"> <li>• The conception, design, conduct and reporting of research, including all associated research activities, methods, procedures and Research Outputs; and</li> <li>• Any related activities in support/maintenance of a researcher's functions at UNSW, including undertaking responsible conduct of research training, research supervision, participating in peer review or other activities as required</li> </ul> <p>This is the definition provided by <a href="#">UNSW Research Code of Conduct</a>.</p>
<b>Research Data</b>	Published research data, including the data, records, files or other evidence that comprise research observations, findings or outcomes, including primary materials and analysed data. Such published research data has a Digital Object Identifier (DOI).

<b>Research Output</b>	Dissemination of findings, whether in hardcopy, electronic or other form that communicates the products of research, which includes, for example a book, a journal article, working paper series, conference proceedings, multimedia.  Research Outputs include books, journal articles, book chapters, and conference papers. and non-traditional Research Outputs.			
<b>Researchers</b>	Person or persons who conducts research. At UNSW this includes UNSW academic staff, non-academics/professionals undertaking research, conjoint appointments (those who have been conferred an academic title by UNSW in accordance with the Conferring Academic Titles Policy), and visiting appointments undertaking research at UNSW, including staff classified as “professional and technical” and casual staff undertaking research at UNSW. Researchers also includes Research Trainees, Research Candidates and Coursework Students as defined in the <a href="#">UNSW Research Code of Conduct</a> .			
<b>ROS</b>	Research Outputs System hosted by UNSW Library to harvest and manage UNSW author Research Outputs for the purpose of research assessment and management.			
<b>Third-Party Materials</b>	Materials not owned by the researcher that requires permission from the copyright holder to disseminate in their own work (for instance images).			
<b>UNSWorks Deposit Licence</b>	Licence that defines the terms of a non-exclusive licence that allows a repository to display, retain, and preserve a copy of a UNSW researcher's output, typically under the terms of a Creative-Commons licence.			
<b>Version of Record</b>	The typeset, copyedited, and published version [of a journal article or monograph] as defined by <a href="#">Crossref</a> .			
<b>Revision History</b>				
<b>Version</b>	<b>Approved by</b>	<b>Approval date</b>	<b>Effective date</b>	<b>Sections modified</b>
1.0	President and Vice-Chancellor	1 June 2017	1 June 2017	New policy
2.0	President and Vice-Chancellor	6 December 2021	1 December 2021	Full review