

UNIVERSITY OF CAPE TOWN

GUIDELINES FOR *OpenUCT*: PUBLICATION OF THESES AND DISSERTATIONS AFTER CONFERMENT OF THE DEGREE

1. Background

Senate policy is that dissertations and theses accepted for degrees of master (of 60 NQF credits or more) and doctor respectively will be placed in the public domain, and that this will be done by publishing them on the *OpenUCT* repository, together with an abstract and the necessary standardised metadata. Research reports submitted by candidates for professional master's degrees are exempt from this requirement. The intention has been that dissertations and theses would be published on the *OpenUCT* site on the date of conferral of the degree.

The Senate Executive Committee (SEC) (at meetings on 6 October 2014, 10 December 2014 and 3 February 2015) considered proposals originally from the Board for Graduate Studies that would allow the publication of a dissertation or thesis on the *OpenUCT* repository to be delayed for up to 24 months from the date of graduation in order to allow for

- (a) submission for publication of the work done by the student; or
- (b) IP protection,

and in exceptional cases for longer, defined periods.

The proposals agreed by the SEC are set out in these guidelines.

2. Legal framework and rules

The following rules and policies are relevant:

2.1 General Rules

The basis for the authority lies in General Rules GH4, GM9 and GP8, (2015 rules) which bind a student to grant to UCT a free licence to publish the student's work, as follows:

“When presenting any form of written work for examination, a candidate shall by so doing grant a free licence to the University to publish it in whole or in part in any format that the University deems fit.”

(Rules GM19 (b) and GP6.2 (b) provide for the submission of a digital copy to the library, in prescribed format, of the dissertation or thesis respectively.)

2.2 Secrecy restrictions

Senate has enshrined in its policy that work accepted for a degree shall not be secret in the following rule:

G30 (from the General rules)

“A thesis or dissertation accepted by the University in candidacy for a higher degree may not be subject to a secrecy restriction of any kind. Any thesis or dissertation approved for a higher degree is placed on the open shelves of the library.

NOTE: A thesis or dissertation may be lodged with the University while still subject to a secrecy restriction. It will not, however, be accepted, and amongst other things this means that the process of examining the dissertation or thesis will not start, until the secrecy restriction has been lifted.

GP6.10 (from the rules for the PhD)

“A student may request, on good cause show, that his or her thesis be kept confidential for a period of not exceeding two years in the first instance. Where this is granted, it may be for a period not exceeding two years, but usually for a shorter period. At the end of the period, the thesis will be {placed on the open Library shelves and} deposited in any prescribed digital repository unless an extension had been granted by the Doctoral Degrees Board.

If permission is given:

- (a) the examiners (as well as any persons with whom they wish to discuss the thesis for purposes of the examination) will be placed under an obligation of confidentiality (by means of an amended Examiner Declaration Form); and*
- (b) the thesis will not be lodged in the Library or deposited in any prescribed digital repository for the period.*

Application procedure:

- (a) application is made on the prescribed form (DDB08) at the time of handing in the thesis;*
- (b) the request must be fully motivated;*
- (c) each application will be considered by the full Doctoral Degrees Board (either at meeting or by Chair’s circular)*
- (d) in each case a determination will be made after consultation with the Research Contracts and Intellectual Property Services Office.*

2.3 UCT Intellectual Property Policy (July 2011)

The following section of the University’s Intellectual Property Policy is relevant to this question:

“8.3 UCT assigns the copyright in a Student’s thesis, to the Student author (or in the case of a work of art that is submitted for examination purposes to the IP Creator of the work of art), subject to UCT retaining a royalty-free right to publish a thesis[or dissertation] in any form. While the Student has the right to enter into agreements with the publishers who may wish to publish the thesis in whole or in part, the Student shall ensure that UCT’s rights are acknowledged by the third party and maintained and shall with the consent of their supervisor(s)

ensure that such publication is not in conflict with any past, or planned future, assignment of rights to another publisher, e.g. of a journal article, or other literary publication.”

2.5 Open Access policy (approved by Council June 2014)

The approved *Open Access* policy provides:

“In line with the provisions of the Intellectual Property Policy and institutional student rules, UCT is granted a right to publish student research theses (doctoral degrees) or dissertations (master’s degrees). Research reports submitted by candidates for professional master’s degrees are exempt from this requirement. A student shall, either through self-submission or assisted submission upload the final corrected version of the thesis or dissertation into the officially designated Institutional Repository (OpenUCT) prior to graduating. Students whose dissertations or research reports are less than sixty credits do not upload these dissertations or research reports. The designated Institutional Repository shall make provision for the delayed public release of any thesis or dissertation for up to twenty-four months (and, in exceptional cases, for longer defined periods) provided the necessary criteria for doing so have been met.

Grant holders are required to comply with any conditions for archiving theses and dissertations as set out by the funder.

3. Recommendation for procedure

The SEC considered the issues and believes that:

- where IP protection is sought (or required in terms of the law on publicly financed research or a contract with IP ownership provisions) the existing provisions of Rule GP6.10 are adequate;
- where deferred publication is sought in order for work to be prepared and submitted for publication, the procedure should be simple, involving only candidate and supervisor; and that
- the procedure should involve the faculty ethics committee only where deferred publication is sought for other reasons.

The Library, for systems reasons, would want to avoid extensions (as these will be effected manually on the repository). For this reason the SEC agreed that a supervisor has one opportunity to request deferral but would not have the option to extend the period of deferral.

On this basis the SEC agreed:

- (i) publication of the thesis or dissertation, the abstract, and the metadata on the *OpenUCT* repository immediately after graduation will be the default position upon acceptance of a thesis or dissertation for a degree;
- (ii) a supervisor may *prior to graduation* defer publication of the thesis/dissertation (but neither the abstract nor metadata) for six, twelve or 24 months from the date of graduation in order to allow the submission of work, arising from the dissertation or thesis, for publication where the following conditions are met:
 - the student has agreed to the deferment;
 - the findings/data/conclusions of the dissertation/thesis have not been submitted for publication before the date of graduation;
 - the student or the student and others (which may include the supervisor) declare an intention to prepare work for publication either in monograph form or in a journal or journals;
 - the final (if necessary, corrected) thesis/dissertation, abstract and metadata have been submitted to the *OpenUCT* repository;

and will do so via the Graduate Research Management (GRM) which provides procedures for the electronic submission of dissertations and theses.

(Note: once determined, this period of deferral cannot be extended).

- (iii) the Doctoral Degrees Board (DDB) (or in the case of a master's degree dissertation, the Deputy Vice-Chancellor (DVC) with responsibility for research) may both:
 - (a) defer publication of the thesis/dissertation (but ordinarily not the abstract or metadata) for six, twelve or 24 months from the date of graduation and
 - (b) require that the thesis/dissertation be kept confidential

in order to allow IP protection of work arising from the dissertation or thesis where the following conditions are met:

- there is in the view of the Director of the Research Contracts and Intellectual Property Services office (RCIPS) a case for IP protection (or an obligation under the law to seek IP protection);
- IP protection has not already been secured;
- the final (if necessary corrected) thesis/dissertation, abstract and metadata have been submitted to the *OpenUCT* repository

Provided that:

- The metadata shall be published immediately following graduation;
- The abstract shall be published immediately following graduation unless the DDB (or in the case of a master's degree dissertation, the DVC with responsibility for research) on the advice of RCIPS determines that to do so would compromise IP protection, in which case an amended abstract that does

not do so shall be provided by the candidate and his/her supervisor which shall be published for the period of deferral;

Provided also that:

- the DDB (or in the case of a master's degree dissertation, the (DVC) may extend the period of deferment once, for up to a total period of 36 months from the date of graduation to allow IP where RCIPS shows to the satisfaction of the DDB or the DVC respectively that this extension is required in order to secure IP protection.

And will do so via the Graduate Research Management (GRM) which provides procedures for the electronic submission of dissertations and theses.

- (iv) the Senate Executive Committee (SEC), mindful of the Senate's view that research findings should be in the public domain, may for any other good cause:
- defer publication of a dissertation or thesis on the *OpenUCT* repository for a defined period (e.g., a period of years, or for the natural life of a subject or of the student); or
 - defer publication of a dissertation or thesis on the *OpenUCT* repository for a defined period or indefinitely but require that the student provide a hard copy to be lodged in the special collections section of the UCT Libraries;

where

- the student has asked for this and provided reasons why this should be done;
- the faculty's ethics committee has considered the student's request and the views of the supervisor(s), head of department and dean, and has recommended that publication be deferred and provided reasons for this.

and shall in each case where it does so decide whether the abstract and metadata shall be published on the *OpenUCT* repository or not.

(v) *OpenUCT* shall, subject only to (iv) above, publish

- a note together with the abstract and metadata during the period of delayed publication of the thesis or dissertation stating that "the thesis/dissertation is not at present available in this repository in view of IP and publication issues but is expected to be available on ... (date)"; and
- the thesis or dissertation upon expiry of the period determined for delay of publication.