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Equanimity toward Open Access ETD's: An initial response to 'Closing the Deal' by Hawkins, Kimball and Ives

Posted on **February 19, 2013**

A provocative new critique of Open Access theses and dissertations is already causing quite a stir within the ETD community. "Closing the Deal: Coercion, Ethics and the Enthusiasms for Open Access" [1] accuses the confederacy of American university administrators, academic librarians, and graduate school personnel with nothing less than graduate student oppression by wantonly distributing theses and dissertations freely over the Internet. The authors — each a Humanities faculty member on a Texas campus — lay 26 charges at the feet of the American ETD community. The alleged offenses range from "cajoling, arm-twisting and even coercing students into .. surrendering the copyright to their dissertations and theses" to biasing ETD formatting guidelines to "stack the deck in favor of OA."

In their wholesale disapprobation of the ETD community, Hawkins, Kimball and Ives take no prisoners, also censuring:

1. the Association of Research Libraries, accused of encouraging its membership to sell OA to their university administrators using manipulative tactics befitting a high pressure salesman;
2. the commercial dissertation distributor, ProQuest LLC, who allegedly circulates misleading advertising materials erroneously claiming that dissertations are peer-reviewed; and
3. the non-profit academic consortium, Texas Digital Library, for carelessly releasing embargoed dissertations in disregard for their respective authors' express wishes.

In assailing the pernicious practices of Open Access zealots, the authors of "Closing the

"Deal" convey considerable cynicism about the intentions of the accused. The authors consider the tone of ETD policies across the country to be "patronizing." They decry the "selfish motivations" of academic librarians who must resort to populating their otherwise-vacant digital repositories with the low-hanging fruits of student research. And they chastise university administrators for misleading students to "give away their work," encouraging publication of OA ETD's "in order to polish their institutional reputations." Apparently, in the disapproving eyes of Hawkins, Kimball, and Ives, no one in 21st century academe is immune from the scourge of blind and misguided reverence for the cause of Open Access, save the poor students themselves and perhaps a handful of their enlightened faculty advisers. Given such a seething indictment of American ETD policies and practice, who among the OA ETD community would not take offense from the words of Hawkins, Kimball and Ives?

Well, for one, the author of this blog is not offended. Rather, I am grateful to these authors for disturbing the apparent calm and unwarranted complacency in the scholarly communication community. I see this controversial article as a fortunate opportunity to question unexamined assumptions about our ETD publishing practices. The critically important issues of embargo policy and enforcement at the heart of "Closing the Deal" warrant vigorous discussion and debate. Additionally, the authors' concern for balance and reason in discussions about scholarly publishing is one I have articulated publicly myself, sometimes at risk of reputation among esteemed colleagues in library scholarly communication circles. Hawkins and her colleagues echo my fear that we librarians may be sacrificing our hard-won trustedness as disinterested information intermediaries in the dizzying rush to herald the Academic Spring. Giddy with finding new validation for our (too long) under-appreciated values of open information access, might we be getting a bit buzzed from too much OA Kool Aid? The admonitions of Hawkins & Co. about ideology's threat to academic freedom and diversity of choice at institutions of higher learning also resonate with me, even as the responsibilities of my scholarly communication assignments have me marketing OA journals requiring generous CC-BY licenses that I myself prefer to avoid. And finally, I applaud the willingness of these authors to take their fight fearlessly to the heart of the accused's lair — a highly-ranked, peer reviewed academic library journal that is written, reviewed, and read by the best in the business. Bravo, Hawkins, Kimball and Ives, for your equanimity toward the ETD community. May the responses to your charges be as vigorous and fearless as the *JAL* article that provokes them.

Yet please understand that this wholehearted appreciation for "Closing the Deal" does not equate with wholesale acceptance of its arguments. Indeed, among the 26 charges made in the article, I emphatically dispute ten of them because of serious gaps in logic and shortcomings in preparation. The subset of unsubstantiated charges in "Closing the Deal" reflects a misunderstanding of copyright principles and an ignorance of the historical underpinnings of American dissertation practice that would seem alarming in university faculty and graduate student advisors. For a reasoned discussion of OA ETDs to take place across campus, our faculty clearly need more education. Moreover, the authors' gross mischaracterization of librarian's motivations in encouraging access to materials held in their

care reflects a poor understanding of the sanctioned mission of these well-credentialed professionals. The insensitive choice of words, presumably selected more for dramatic effect than for rhetorical precision, are reminiscent of the debates at mid-19th century when new technologies for microfilming and the looming prospect of a major copyright revision threatened those clinging to literary property rights in library-held manuscripts. From such times, one finds charges of librarians' "promiscous" lending practices and naive disregard for authors literary property rights, borne out of the age-old fear that opening access would lead to literary theft and misuse [2]. How regrettable that, in their courageous efforts to elicit the serious attention of librarian readers, Hawkins, Kimball and Ives have undermined the strength of their arguments with careless gaps in research and almost laughably parodic hyperbole.

Nonetheless, the two-dozen plus charges hurled at the American ETD enterprise in "Closing the Deal" demand a serious response. One is now in preparation, but will take some time to complete. To advance a productive discussion of OA ETD policy and practice (rather than merely escalate the debate for no productive purpose) the response must be thorough in its claims and sharply focused in its counterclaims. Supporting arguments must be grounded in evidence and reason. And any defense of Open Access within the context of graduate works must consider both the promise and pitfalls of this emerging mode of scholarly publishing, while also demonstrating sincere appreciation for students' rights, values and needs. In short, anything less than equanimity toward the complex issues surrounding Open Access ETDs would be a dishonor to our graduate students and the world's new scholars, and a discredit to their critically valuable contributions to the wealth of human knowledge.

[1] Now online as a preprint, but appearing officially in the March 1 issue of the *Journal of Academic Librarianship*, The Journal of Academic Librarianship, Available online 17 January 2013, In Press, Accepted Manuscript.

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(<http://www.sciencedirect.com/science/article/pii/S0099133313000025>)

[2] See for example: Horn, Andrew H, "The University Archivist and the Thesis Problem," *The American Archivist*, Vol. 15, No. 4 (Oct., 1952), pp. 321-331.



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5 THOUGHTS ON "EQUANIMITY TOWARD OPEN ACCESS ETD'S: AN INITIAL RESPONSE TO 'CLOSING THE DEAL' BY HAWKINS, KIMBALL AND IVES"



Thomas Dowling

on **February 20, 2013 at 8:36 am** said:

I appreciate your commitment to a reasoned and reasonable response. The article's tone almost invites a flame war.



Hillary

on **February 20, 2013 at 10:23 am** said:

Thanks for alerting us to this interesting article – I admit I appreciate reading this kind of rhetoric because it helps me strengthen my own opinions and arguments in favor of OA ETDs. I'm also really surprised at the venue the authors chose for publishing – do they really think they'll find a sympathetic audience in the Journal of Academic Librarianship?



George Porter

on **February 20, 2013 at 12:28 pm** said:

The authors may have a point in regard to wide spread dissemination of of humanities content. The currency for promotion and tenure in the humanities, and to a lesser extent the social sciences, is the scholarly monograph. Faculty in the HSS often derive their first monograph from dissertation, meaning that there is market value for the author in limiting the distribution, at least initially. Access to these dissertations through ProQuest and its forebears and through ILL has not crippled the market for scholarly monographs in the last 50+ years.

The situation does suggest that HSS theses may be qualitatively from STEM theses,

where the currency is articles and their gestation time from initial submission to publication is often measured in months, rather than years. Differentiated periods of embargo or restriction to campus access of the ETD may be appropriate for the different disciplines.

The authors appear to have completely missed the typical language used in theses, to wit, "... in partial fulfillment of the requirements for the degree...". This statement makes it very clear that the thesis is prepared for the university as a condition of the degree program, giving the university considerable rights and interests in the preservation and distribution of the finished product.



Sean

on **February 21, 2013 at 10:01 am** said:

As humanities faculty, and as a former graduate director of a major graduate program in the field, I can attest that the authors (however inflammatory their language) do indeed have a point when it comes to gestation period, publication, and career prospects for students earning humanities doctorates. The post above says that the phrase "in partial fulfillment" gives universities considerable latitude. I would argue that, in fact, it is very little different from a faculty member who assigns students a research project to complete as part of a graduate seminar. I can require the work, I can require it to be excellent or even to professional standards, and I can even oblige students to present their findings and arguments to those in the class, either orally or in writing. Ethically and morally, though, I would have a very difficult time justifying posting that research project publicly, where it might be found, used, and abused by a much wider audience and ultimately destroy their prospect of retaining any degree of control over their intellectual property.

The length of time between humanities dissertations and the tenure-securing publications that ought to result from them is certainly such that universities and their libraries ought to be circumspect. They gain astonishingly little from making these dissertations public. They gain much more by having their doctoral recipients go one to promising and productive careers in their chosen fields, where they can (if employed and diligent) continue to make their degree-granting program look awfully smart.

I don't impugn the motives of the librarians involved in ETDs. I do, however, think that it's easy to make free with *someone else's* intellectual work. Librarians who are

indeed tenured and tenure-line faculty would probably be bitterly opposed to the faculty of some other unit playing havoc with the very credentials that would secure and promote their careers. That's what's been going on for years, whether it is well-intended or not.



Miles Kimball

on **February 24, 2013 at 2:02 am** said:

I'm glad to hear that our article has received the response we intended – your descriptor "provocative" is apt.

(However, please be aware that the prepub version of the article has a good number of errors that we and the journal editors are having a hard time getting Elsevier to fix. This includes a few sentences that on reconsideration even we found too harsh. It also doesn't include the table, which shows our content analysis of over 150 academic library websites. Thus are the evils of prepub...)

We chose to publish in a library journal for a variety of reasons, but one certainly was to start a conversation among librarians, which as researchers in other fields we could scarcely do without some provocation. In my experience, despite best intentions, most disciplines and professions are relatively deaf to voices in other disciplines and professions unless the other speaks loudly — even hyperbolically. (However, in comparison to the rhetoric of OA: "pot, meet kettle." If you accept hyperbole as truth, it doesn't seem hyperbolic anymore.) Also, as members of other disciplines, we can speak with fewer filters than we could if we were librarians ourselves; our jobs, tenure, and disciplinary relationships are secure even if we annoy a lot of librarians in an attempt to get their attention. Villify us if you like, but do at least continue the conversation we instigated.

In the main, however, our frustration arose from a deep concern for our students, whose work is being regularly and demonstrably appropriated, and yes, sometimes mishandled. It took almost four years to get the process changed at TTU, which I think was about 3 1/2 years too long.

To reiterate, we have little against OA in general compared to against *requiring* students to participate in OA ETDs. If after understanding the pros and cons students choose to give their work to the world, they should be commended for their generosity. But as Sean pointed out above, it's easy to give away someone else's

work — particularly when that person doesn't have the power to tell you no.

In response to George: According to the lawyers we consulted in preparing this article, presenting a dissertation to a university "in partial fulfillment of the requirements" of a degree does not impart ownership of the dissertation to the university — it's a demonstration of performance, not a conveyance of property as in work for hire or commercial exchange. At best, it's a conveyance of a copy, not of copyright. Accordingly, though you linked them together so neatly, there's a huge gap between the university's duties for "preservation" and its rights to "distribution." Universities have assumed the latter privilege, I think, because they are bureaucracies with immense power, compared to the ability of a student to resist (or faculty, for that matter, as we've learned).