

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Open
5 Access to Research Articles Act.

6 Section 5. Purpose. The General Assembly finds and declares
7 the following:

8 (1) to maximize the social and economic benefits of
9 research to the public, the published research articles
10 produced by faculty at public universities should be made
11 as widely available as possible, wide availability
12 referring both to the depth of availability of a given
13 research article (including immediate availability where
14 practicable, long-term preservation and free public
15 access, and broad accessibility for reuse and further
16 research) and the breadth of research articles made
17 available;

18 (2) the public support these employees receive and the
19 increased impact that broad public dissemination of
20 research has is an important public purpose;

21 (3) many public universities have developed, or are
22 developing, the capacity to provide free access over the
23 Internet to such research through institutional

1 repositories or otherwise; and

2 (4) a substantial portion of the research currently is
3 not freely available over the Internet because the faculty
4 have entered into publication agreements with terms that
5 restrict public access to the fruits of unclassified
6 research conducted by these State employees.

7 Section 10. Definitions. In this Act, "public university"
8 means the University of Illinois, Southern Illinois
9 University, Chicago State University, Eastern Illinois
10 University, Governors State University, Illinois State
11 University, Northeastern Illinois University, Northern
12 Illinois University, Western Illinois University, or any other
13 public university or college now or hereafter established or
14 authorized by the General Assembly.

15 Section 15. Task forces.

16 (a) By January 1, 2014, each public university shall
17 establish an Open Access to Research Task Force. Each task
18 force shall be appointed by the chairperson of the board of
19 trustees for the public university, with the advice and consent
20 of that board. Each task force shall be comprised of voting
21 members and non-voting members. The voting members shall
22 include, without limitation, members representing the
23 university's library, members representing faculty, including,
24 where applicable, a labor organization that represents faculty

1 at the public university, and members representing university
2 administration. The non-voting members shall include, without
3 limitation, a member representing publishers who publish
4 scholarly journals. In the instance of public universities that
5 have multiple campuses, each campus shall have representation
6 on the task force. The task force shall review current
7 practices and design a proposed policy regarding open access to
8 research articles, based on criteria that are specific to each
9 public university's needs.

10 (b) Each task force shall (i) consider how the public
11 university can best further the open access goals laid out in
12 this Act, whether by creation of an open access policy for the
13 public university, creation of an open access policy for the
14 State, or some other mechanism; (ii) review how peer
15 institutions and the federal government are addressing issues
16 related to open access and ensure that any institutional or
17 statewide policies are consistent with steps taken by federal
18 grant-making agencies; and (iii) consider academic, legal,
19 ethical, and fiscal ramifications of and questions regarding an
20 open access policy, including but not limited to the following:

21 (1) the question of how to preserve the academic
22 freedom of scholars to publish as they wish while still
23 providing public access to research;

24 (2) the design of a copyright policy that meets the
25 needs of the public as well as of authors and publishers;

26 (3) the design of reporting, oversight, and

1 enforcement mechanisms;

2 (4) the cost of maintaining and, where applicable,
3 creating institutional repositories;

4 (5) the potential for collaboration between public
5 universities regarding the use and maintenance of
6 repositories;

7 (6) the potential use of existing scholarly
8 repositories;

9 (7) the fiscal feasibility and benefits and drawbacks
10 to researchers of institutional support for Gold open
11 access fees (where publication costs are covered by author
12 fees rather than by subscription or advertising fees);

13 (8) the differences between academic and publishing
14 practices in different fields and the manner in which these
15 differences should be reflected in an open access policy;

16 (9) the determination of which version of a research
17 article should be made publicly accessible; and

18 (10) the determination of which researchers and which
19 research ought to be covered by an open access policy,
20 including, but not limited to, the question of whether a
21 policy should cover theses and dissertations written by
22 students at public institutions; research conducted by
23 employees of State agencies; research supported by State
24 grants, but not conducted by employees of public
25 institutions or State agencies; research materials
26 digitized using State funding; data collected by covered

1 researchers; research conducted by faculty at institutions
2 that receive Monetary Award Program grants under Section 35
3 of the Higher Education Student Assistance Act; research
4 conducted by part-time, adjunct, or other non-permanent
5 faculty; research at least one of whose co-authors is
6 covered by the policy; research progress reports presented
7 at professional meetings or conferences; laboratory notes,
8 preliminary data analyses, notes of the author, phone logs,
9 or other information used to produce final manuscripts; or
10 classified research, research resulting in works that
11 generate revenue or royalties for authors (such as books),
12 or patentable discoveries.

13 (c) Each task force shall conduct open meetings with
14 advance notice and shall allow individuals to address the task
15 force regarding open access issues. Notwithstanding any
16 provisions of the Open Meetings Act and subject to feasibility,
17 members of the task force and interested parties may
18 participate by phone or video conference.

19 (d) On or before January 1, 2015, each task force shall
20 adopt a report setting forth its findings and recommendations.
21 These recommendations shall include a detailed description of
22 any open access policy the task force recommends that the
23 public university or State adopt, as well as, in the case of
24 the public university, a plan for implementation. This report
25 must be approved by a majority of the appointed task force
26 voting members. A task force shall also issue minority reports

1 at the request of any member, including a non-voting member.
2 Each report shall be submitted to the board of trustees of the
3 respective public university, the Board of Higher Education,
4 both chambers of the General Assembly, and the Governor. The
5 Board of Higher Education shall publish, on its Internet
6 website, a list of all public universities subject to this Act.
7 The list shall indicate which public universities have
8 submitted the report required pursuant to this subsection (d).

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.