

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.