

Policy on Research Thesis Embargoes



Policy owner	UCD Graduate Studies	Approval date and body	Academic Council Executive Committee 3 rd June 2021
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Introduction

A digital copy of a UCD research thesis is automatically deposited in the Research Repository UCD (RRU) upon Academic Council Committee on Examinations (ACCE) award of the research degree and, without an embargo being set, is immediately publicly available to view. An embargo is only relevant to the digital copy of the thesis deposited in the RRU. It is a requirement for the award of a research degree that a printed copy of the thesis is also deposited in UCD Library to be archived in closed store¹.

1. Purpose

The purpose of this policy is to clearly articulate the University position on restricting access to a research thesis submitted to the University RRU upon award of a research degree, why an embargo may need to be put in place and the procedure to do so.

2. Definitions

Thesis: A thesis is the final document, containing the context, nature, methodology and the outcomes of the research, that is submitted by a student to the University for examination in support of their candidature for a doctoral or research master's degree.

eThesis Examination System: The eThesis examination system is a secure electronic University system through which students are required to submit their thesis for examination. It also captures the final examination report, which contains the outcome and recommendation in relation to the thesis examination. All reports are passed on to the ACCE, who in their capacity as the Examination Board and awarder of research degrees for the University, determine the outcome of the examination and whether a research degree can be awarded.

Research Repository UCD (RRU) is a digital collection of open access scholarly research publications from University College Dublin. The repository collects, preserves and makes freely available publications including peer-reviewed articles, working papers and conference papers created by UCD researchers. When a research degree is awarded by the university, a hardcopy of the research thesis upon which the award is based, is archived in UCD Belfield Campus. A digital

¹ 'Closed Store' indicates that there is no access to a hard copy thesis once it has been archived.

copy of the thesis is hosted in the RRU and designated a perpetual unique URL. The digital copy is publicly visible.

Copyright: Copyright is a property right whereby, subject to the [Copyright and Related Rights Act, 2000](#) and the [Copyright and Other Intellectual Property Law Provisions Act 2019](#), the owner of the copyright in any work may undertake or authorise other persons to use or restrict the use of their work. Copyright subsists, in accordance with these Acts, in (a) original literary, dramatic, musical or artistic works, (b) sound recordings, films, broadcasts or cable programmes, (c) the typographical arrangement of published editions, and (d) original databases. Details of the particulars of copyright protections – including conditions for exemptions and fair dealing in research and education – are outlined at length in the two Acts.

Copyright as it pertains to UCD Students: UCD recognises the student as owner of any IP they produce while a registered student of UCD, subject to variation in the case of externally sponsored or collaborative work. Any IP created by a student in a project that was initiated or assigned by a member of the UCD Community other than a student will be owned by UCD.

Personal Data is any information that can identify an individual person. This includes a name, an ID number, location data (for example, location data collected by a mobile phone) or a postal address, online browsing history, images or anything relating to the physical, physiological, genetic, mental, economic, cultural or social identity of a person.

Governing Board: All programmes in the University are overseen by a Governing Board, which is responsible for monitoring the overall performance and progression of students registered to its programmes and to ensure their welfare. Governing Boards are established by Academic Council. The relevant Governing Board for this Policy is the Graduate Research Board

Thesis Embargo: A thesis embargo will delay the release of a thesis to the RRU for a specific period. Once embargoed, only the title and the abstract of a thesis will appear in the RRU. The full text of the thesis will become available for public view when the embargo period expires.

3. Scope

This policy applies to all research degree theses that are submitted to UCD for examination and are the basis of the award of a research degree. Minor research theses which contribute to a taught Master's degree or undergraduate degree are not in the scope of this policy.

4. Principles

1. **Open Access:** UCD is a signatory to the [National Principles for Open Access](#) and all research degree theses completed at the university are expected to be made publicly available as soon as possible following the award of a degree. This allows the University to demonstrate the quality of its research and the rigour of its research degree programmes. Therefore, the default position of the university is to not place an embargo on a research thesis.

2. **Setting an Embargo:** Should the author of the thesis wish to delay its online dissemination via the RRU, an application for an embargo must be made to the governing board. Such applications require the support of the student's Principal Supervisor. If student and supervisor disagree on the need for, or duration of, an embargo, the governing board will adjudicate.

Reasons for seeking an embargo include:

- **Future publication** – the thesis contains material intended for future publication.
- **Personal data** – the thesis contains personal data or other information that, if disclosed, could prejudice the interests of an individual, or constitute a breach of confidence or a personal data breach under the General Data Protection Regulation (GDPR) e.g. patient data. It is the responsibility of the student to protect the identity of research participants in accordance with UCD Data Protection Policy.
- **Copyright** – the thesis contains material protected by third party copyright and permission to make this material available has been explicitly withheld.
- **Commercial information** – the thesis contains sensitive information that would be likely to prejudice the commercial interests of an individual or organisation, or intellectual property that may be the subject of commercial exploitation (e.g. a patent application)
- **Contractual restrictions** – the thesis is subject to an agreement with a funder or research partner which restricts access to the completed research.
- **International relations, defence, national security, public safety** – the thesis contains material that, if disclosed, would be likely to adversely affect international relations, defence, national security or public safety.

3. **Period of Embargo:**

- a. The normal length of embargo is two years but an embargo of up to five years can be requested in the first instance. Intention to publish material from the thesis constitutes appropriate grounds for an embargo of the maximum five-year duration.
- b. A permanent embargo² may be sought in the case of creative works. In exceptional circumstances, a permanent embargo may be requested by other disciplines. Applications will be dealt with on a case-by-case basis.
- c. In certain circumstances an application to extend the initial embargo beyond the period approved will be considered. This new request must be accompanied by substantive supporting documentation, such as a book contract that precludes prior dissemination of relevant research in an online thesis repository. An extension may also be appropriate if the candidate has taken or would have been eligible under UCD Policies to take, parental leave, sick leave, or other such leave entitlements in the intervening period.
- d. A previously approved embargo can be removed at the request of the author if the reason for the embargo is no longer valid.

4. **Copyright:** UCD promotes compliance with Irish copyright law as regulated by the Copyright and Related Rights Act, 2000 and the Copyright and Other Intellectual Property Law Provisions Act 2019. The university expects that the majority of research theses utilising copyrighted materials will fall under 'fair dealing' as stipulated by these Acts and will not require further permissions for research use or uploading to the online research repository.

Students utilising a large amount of copyrighted materials are encouraged to familiarise themselves with the Act and determine, with the advice of their Principal Supervisor, if further

² In line with the Copyright and Related Rights Act 2000 Section 24

steps need to be taken to ensure compliance with it. Such steps may include placing the thesis under embargo.

5. **Rapid Takedown Option:** The rights owner of copyrighted material included in a research thesis may request that UCD Library remove the thesis from open access. In such cases the thesis will be taken down immediately and the request investigated. If the request is found to be legitimate, and not protected by the principles of 'fair dealing', the material will be withdrawn permanently from public view, although its bibliographic details will be retained in the RRU.
6. **Equality, Diversity and Inclusion:** Thesis Embargo policy and procedure will, in so far as is possible, take into account the University's strategic commitment to Equality, Diversity and Inclusion. UCD provides a positive working, research and learning environment. which is open to all regardless of age, disability, gender, marriage or civil partnership, race (including ethnic or national origin, nationality, or colour), religion or belief, sexual orientation, family status, membership of the travelling community, or socio-economic status. To this end, all embargo applications to the Governing Board will be submitted with all identifying information of the applicant removed (including name, School and Supervisor) to ensure any decision is based solely on the submission and avoid unconscious bias.

5. Roles and Responsibilities

5.1 Role of Student

5.1.1 To exercise reasonable care to ensure that the thesis is original, and does not, to the best of their knowledge, break any Irish law, infringe any third party's copyright or related intellectual property rights as described in the [UCD Intellectual Property Policy](#) , or contain any confidential or defamatory material.

5.1.2 To determine, in consultation with their Principal Supervisor, whether an embargo request is appropriate and, if so, to make an application to the governing board following the approved procedure. This application would normally be made at the time of the examination committee selection, no less than three months before the expected thesis submission date.

5.1.3 If seeking an extension to an existing embargo, to liaise with their former Principal Supervisor, or with the relevant Head of School, to enable that person to submit an application to the university on the student's behalf.

5.2. Role of Principal Supervisor

5.2.1 To make the student aware of all relevant university regulations and policies pertaining the research thesis including the [Research Integrity Policy](#).

5.2.2 To refer the student to the relevant Copyright Acts and to additional information and support on Intellectual Property matters housed at UCD Library

5.2.3 To provide information on thesis embargoes and associated processes to candidates, and to support embargo applications where appropriate.

5.2.4 To submit, if required, on behalf of a graduated student, an application for an extension to an existing embargo together with the relevant supporting documentation provided.

5.3 Role of Governing Board

5.3.1 To adjudicate on student applications for an embargo, or extensions to an existing embargo on their research thesis

5.3.2 To record the embargo expiry date on the University Student Information System thus ensuring the embargo is automatically implemented on the eThesis system and that the thesis not transferred to the RRU until the expiry date.

5.3.3 To adjudicate on any rapid takedown recommendation from UCD Library.

5.4 Responsibilities of the Library

5.4.1 To accept the approved thesis for upload to the RRU.

5.4.2 To create a catalogue record for the thesis and link this to the RRU record.

5.4.3 To accept the final hard-bound archival copy of the thesis from Assessment for deposit in closed store.

5.4.4 To accept applications from third parties who do not consent to the presence of their work in an open access UCD research thesis. To implement rapid takedown pending confirmation of the legitimacy of the request and to make a recommendation to the governing board once the investigations are complete.

5.5 Responsibilities of UCD Registry Assessment Unit

5.5.1 To support the University's eThesis examination system and all stakeholders associated with this process.

5.5.2 Upon ACCE approval of a research degree award, to transfer the newly awarded thesis to the RRU via the eThesis examination system.

5.5.3 To accept the final hard-bound archival copy of the thesis and transfer to UCD Library for deposition in a closed store.

6. Useful documents

[Ireland's National Principles on Open Access](#)

<https://libguides.ucd.ie/copyright>

https://libguides.ucd.ie/ld.php?content_id=31369395

[Theses in Graduate Research Programmes Policy](#)

[Rightslink Guidelines Document](#)

[Copyright and Related Rights Act, 2000](#)

[Copyright and Other Intellectual Property Law Provisions Act 2019](#)

[UCD GDPR](#)

[Fair Dealing](#)

[Research Integrity Policy](#)

[Research Ethics policy](#)

[UCD Intellectual Property \(IP\) Policy](#)

[UCD Equality, Diversity & Inclusion Policy](#)

[UCD Data Protection Policy](#)

7. Version History

Version	Date	Summary of Changes	Changed by	Version
1.0	3 rd June 2021	New policy	E Cunningham	1.0