

MU Directive No. 4/2013

Repository of Employees' Works

In accordance with Section 10, paragraph 1 of Act No. 111/1998 Coll., On Higher Education Institutions and on Modification and Amendment of Other Acts (Higher Education Act), I issue this Directive:

Article 1

Subject Matter

- (1) This Directive regulates the manner of the collection and archiving of published employees' works at Masaryk University (MU). Published employees' works are collected through the Repository of Employees' Works of the Information System IS MU (hereinafter referred to as the "repository"), which MU has established due to its interest in the responsible exercise of its property rights, archiving of employees' works, prevention of plagiarism and also an active approach to Open Access, i.e. in an effort to ensure rapid and unrestricted access to the scientific information and knowledge generated by the university, both for the scientific community (to increase the readership, citations and impact of MU works) and society as a whole (e.g. to ensure that it is informed about the university's activities and its use of public funds).
- (2) Works for which MU has waived its property rights do not lose the character of being an employee's work and the author is therefore obliged to handle them in accordance with other MU legal regulations. The rights and obligations of employees under this Directive thus also apply to works under Article 7, paragraph 2 of Rector's Directive No. 8/2009 Intellectual Property at Masaryk University, i.e. also to works created for publication in professional journals or in proceedings from conferences and for which MU does not exercise property rights.

Article 2

Definitions

- (1) An employee's work is a work created by an MU employee to fulfil obligations arising from an employment relationship with MU (Section 58, paragraph 1, of Act No. 121/2000 Coll., on Copyright, on Rights Related to Copyright and on Amendments to Certain Acts, as later amended, hereinafter referred to as the Copyright Act).
- (2) For the purposes of this Directive, publication means publication of a work within the meaning of Section 4 of the Copyright Act.

Article 3

Rights and Obligations of Employees

- (1) The head of the relevant economic unit shall determine by internal regulation whether or not the placing of employees' works into the repository is mandatory and, if so, to what extent. The work is placed in the repository by means of a dedicated application in the IS MU. Employees' works that are subject to licensing conditions that do not allow self-archiving (i.e. the actual insertion of the work into the repository) are not placed in the repository.
- (2) When placing in the repository an employee's work for which no property rights are exercised pursuant to Article 7, paragraph 2 of MU Rector's Directive No. 8/2009, the employee is entitled to decide on the extent of publication of the work or its parts, while having an obligation not to infringe the protection of information protected by a special law, protection of business secrets, or protection of legitimate interests of third parties (e.g. the rights of the publisher).
- (3) When placing in the repository employee works for which MU exercises property rights, the employee is entitled to propose the scope of to which the work will be made available, with this being conditioned on the consent of the head of the economic unit or a person they authorise (the so-called repository coordinator), through a dedicated application in IS MU, no later than three months after the employee has selected the scope of publication. The work does not become publicly accessible until the date of approval.
- (4) The economic unit grants consent to the selected degree to which the work will be made available to the public on the basis of the licensing terms and conditions or other legal obligations related to the work (e.g. conditions of the support providers; the consent of co-authors who did not create the work within their employment relationship with MU). Unless such conditions apply to the employee's work, the level of disclosure is at the discretion of the relevant economic unit.
- (5) If the license terms that apply to the employee's work set a period in which self-archiving is forbidden, the work may be placed in the repository after its expiry. If the license terms set a period in which disclosure of an employee's work is forbidden, the work may be placed in the repository without delay, but with the date of future release of the work set.
- (6) Employees are also entitled to place in the repository employee's works created prior to the entry into force of this Directive, as well as works that are not employee's works, provided they are authors. Students' theses (including dissertations) or habilitation theses, for which MU has special archives, are not stored in the MU repository.

Article 4

Final Provisions

- (1) Methodological support to employees in relation to the placement and making available of works in the repository is provided by the repository coordinators.
- (2) The Vice-rector responsible for publication activities is responsible for the interpretation and monitoring of compliance with this Directive.
- (3) This Directive repeals MU Directive No. 7/2011.
- (4) This Directive shall come into effect on 1 March 2013.

Rector