



# **MACHAKOS UNIVERSITY**

## **OPEN ACCESS POLICY**

**2019**



**APPROVAL**

**POLICY TITLE:** OPEN ACCESS POLICY

**POLICY CONTACT:** DEPUTY VICE CHANCELLOR (RESEARCH,  
INNOVATION AND LINKAGES)

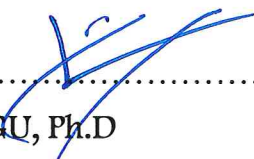
**APPROVAL AUTHORITY:** THE UNIVERSITY COUNCIL

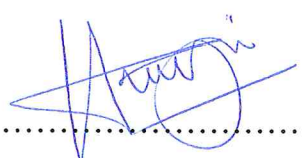
**CATEGORY:** DIVISION OF RESEARCH, INNOVATION AND  
LINKAGES

**REFERENCE NO.:** MKSU/P/09

**EFFECTIVE DATE:** Date of signing by Chairman, University Council

**APPROVED BY THE UNIVERSITY COUNCIL:**

SIGN:  ..... DATE: 22/ 8/19 .....  
PROF. LUCY W. IRUNGU, Ph.D  
VICE-CHANCELLOR & SECRETARY TO THE COUNCIL

SIGN:  ..... DATE: 6 Sept- 2019 .....  
PROF. GIDEON HANJARI,  
CHAIRMAN MksU COUNCIL

## FOREWORD

Knowledge is an important asset in any academic and research institution especially in the ongoing transition from production-based society to knowledge-based economy. In the knowledge-based era, the main mission of academic and research institutions is to provide knowledge that is relevant to the needs of the user population.

In trying to achieve her core mandate, Machakos University generates scholarly materials such as textbooks, journals, theses and dissertations, conference papers, research papers and articles. These are printed and stored in the library for reference by the University community and soft copies of such works are uploaded into the institutional repository. However, there are no adequate guidelines on how to create, preserve and disseminate knowledge through the Institutional Repository platform. By creating an Open Access Policy, the university aims at providing scholars with an opportunity to promote their research work and enhance public access to their intellectual output.

One of the Kenyan governments 'Big Four Agenda' is to come up with entrepreneurs' programme and an innovation ecosystem of incubators and accelerators which could create 10,000 jobs. The objectives of this agenda can be achieved through generation of new ideas which are developed and shared through the institutional repository.

This policy will enable Machakos University to bench mark with global best practices and promote her visibility both locally and internationally.



**PROF. LUCY W. IRUNGU, Ph.D.**

**VICE-CHANCELLOR & PROFESSOR OF ENTOMOLOGY**

## ACKNOWLEDGEMENT

The development of this Open Access Policy has been made possible through professional and technical support of Machakos University Council and University Management. I am especially indebted to Prof Gideon Hanjari, the Chairman, Machakos University Council and Prof. Lucy Irungu, the Vice-Chancellor.

I am grateful to the technical team that worked on this policy: Director, Research, Innovation and Technology- Prof Fredrick Ogola, Prof. Charles ombuki, Prof James Muola, Dr Richard Kimiti, Dr Veronica Okello, Dr David Wekesa, Dr Japheth Kiragu, Dr Esther Muia and Ms Lilian Nkoroi who actively benchmarked and developed this policy.

It is not possible for me to single out every person who made contributions to the development of this policy in various capacities. However, I would like to acknowledge such contributions for they made this policy to be significant to Machakos University and other stakeholders.

Thank you.



**PROF. PETER N. MWITA, Ph.D.**

**DEPUTY VICE-CHANCELLOR (RESEARCH, INNOVATION AND LINKAGES)**

<b>DVC</b>	Deputy Vice-Chancellor
<b>IP</b>	Intellectual Property
<b>IR</b>	Institutional Repository
<b>ISO</b>	International Organization for Standardization
<b>MksU</b>	Machakos University
<b>OA</b>	Open Access
<b>OAC</b>	Open Access Committee
<b>OAPDC</b>	Open Access Policy Development Committee
<b>OAP</b>	Open Access Policy
<b>RIL</b>	Research Innovation and linkages
<b>URL</b>	Uniform Resource Locator
<b>VC</b>	Vice Chancellor

## **DEFINITION OF TERMS AND CONCEPTS**

### **Artistic work**

Irrespective of artistic quality, any of the following, or works similar thereto:

(a) paintings, drawings, etchings, lithographs, woodcuts, engravings and prints;

(b) maps, plans and diagrams;

(c) works of sculpture;

(d) photographs not comprised in audio-visual works;

(e) works of architecture in the form of buildings or models; and

(f) works of artistic craftsmanship, pictorial woven tissues and articles of applied handicraft and industrial art;

### **Audio-Visual Work**

A fixation in any physical medium of images, either synchronized with or without sound, from which a moving picture may by any means be reproduced and includes videotapes and videogames but does not include a broadcast.

### **Copy**

A reproduction of work in any manner or form and includes any sound or visual recording of a work and any permanent or transient storage of a work in any medium, by computer technology or any other electronic means;

### **Copyright**

Legal rights that grants the creator of an original work exclusive rights to determine whether and under what conditions this original work may be used by others.

Means rights conferred to Authors of;

- a) Literary Works
- b) Musical Works
- c) Artistic Works,
- d) Audiovisual Works,
- e) Sound Recordings, and
- f) Broadcasts among others.

**Compliance:** Conformity in fulfilling official requirements.

**Creation**

The act or process of making something that is new or causing something to exist that did not exist before (Oxford Dictionary).

**Creator**

A Student, Staff or Visitor of the University or of its Collaborating Party who becomes an Inventor, Author, Breeder or conceiver of an Intellectual Property which is subject of this Policy.

- (a) Utility Models
- (b) Industrial Designs,
- (c) Technovations,
- (d) Layout Designs (Topographies) of Integrated Circuits,
- (e) Trade Marks,
- (f) Service Marks,
- (g) Geographical Indications, and

(h) Trade Secrets;

### **Dublin Core**

Is a small set of vocabulary terms that can be used to describe digital resources (video, images, web pages, etc.), as well as physical resources such as books or CDs, and objects like artworks.

### **Depositor**

A person who submits digital content to be uploaded into an institutional repository.

### **Institutional Repository**

An archive for collecting, preserving and disseminating digital copies of the intellectual output of an institution.

**Embargo:** Banning of the full text publication of the document, usually for a defined period of time.

### **Fair use**

Dealing for the purposes of scientific research, private use, criticism or review, or the reporting of current events subject to acknowledgment of the source.

### **Intellectual Property (IP)**

Creations of the human mind that are eligible for protection as Industrial Property Rights, Copyrights, Plant Breeder's Rights, Traditional Knowledge Rights, Cultural Expressions Rights and Folklore Rights.



## **Intellectual Property Rights (IPR)**

Rights accruing to owners of Intellectual Property (IP) and include Industrial Property Rights, Copyrights and Plant Breeder's Rights.

## **Metadata**

Data that provides information to help manage a resource by giving details on when and how it was created and who can access it.

## **Open Access**

Free availability on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself.

## **Open Access Policy**

A framework that allows free availability of scholarly documents on the public internet.

## **Plagiarism**

The action or practice of copying another persons' idea, work or innovation and, submitting it for examination or any other academic purpose as one's own (Oxford Dictionary);

## **Reproduction**

The making of one or more Copies of a Work in any material form and includes any permanent or temporary storage of such Work in electronic or any other form;

**Research**

The investigation undertaken in order to discover new facts or examining a problem in order to get additional information;

**Scholarly output**

Research, literary, performed, and fictional works in various formats

**SHERPA/ROMEIO Database**

Is a service run by **SHERPA** to show the copyright and open access self-archiving policies of academic journals. The database uses a colour-coding scheme to classify publishers according to their self-archiving policy

**Staff**

A person employed to work at the University whichever his terms and conditions of service and includes consultants.

**Student**

Shall mean a person registered by the University for the purpose of obtaining a qualification of the University or any other person who is determined by the Senate to be a student;

**University** means Machakos University as established through a charter awarded on 7th October 2016.

**Work** includes translations, adaptations, new versions, or arrangements of pre-existing works, and anthologies or collections of works which, by reason of the selection and arrangement of their content, present an original character

## TABLE OF CONTENTS

APPROVAL .....	ii
FOREWORD .....	iii
ACKNOWLEDGEMENT .....	iv

LIST OF ABBREVIATIONS AND ACRONYMS .....	iv
DEFINITION OF TERMS AND CONCEPTS .....	vi
1.0 BACKGROUND .....	1
1.1 Preamble .....	1
1.2 Vision of the University.....	2
1.3 Mission of the University.....	2
1.4 Core Values.....	2
1.5 Mandate.....	2
1.6 Strategic Goals.....	2
1.7 Methodology.....	3
1.8 Legal and Policy Framework.....	3
1.9 Scope.....	4
2.0 POLICY STATEMENT .....	4
3.0 POLICY OBJECTIVES.....	4
4.0 CITATION AND APPLICABILITY STATEMENT .....	5
5.0 MksU OPEN ACCESS COMMITTEE .....	5
6.0 MEMBERSHIP, FUNCTIONS AND SUBMISSION GUIDELINES .....	5
6.1 Membership .....	5
6.2. Functions of Machakos University Open Access Committee .....	6
6.3. Submission Guidelines.....	6
6.4 Licensing, Compliance and Quality Control .....	6
6.5 Metadata guidelines .....	6
7.0 TYPES OF ELIGIBLE CONTENT.....	7
7.1 File Formats .....	8
7.2 Replacement and Withdrawal .....	8
7.3 Plagiarism .....	8
7.4. Monitoring and Evaluation .....	8
7.5 Adherence to Intellectual Property Legislation .....	9

7.6 Responsibility for Managing the Institutional Repository .....	9
8.0 POLICY INTERPRETATION AND CONFLICT RESOLUTION.....	9
9.0. POLICY IMPLEMENTATION .....	9
10.0 POLICY REVIEW.....	9
11.0 DISCLAIMER .....	10
APPENDIX I: REPOSITORY DEPOSIT AGREEMENT.....	10

## **1.0 BACKGROUND**

### **1.1 Preamble**

Machakos University was established through a charter awarded on 7th October 2016, as a successor to Machakos University College (MUC) previously established through a Legal Notice NO. 161 of 4th November, 2011 as a Constituent College of Kenyatta University.

Machakos University aspires to be a model institution of higher learning committed to providing competitive and professional programmes. The university is committed to providing high level manpower through quality training, research, consultancy and community service. These shall be attained through customer satisfaction, good corporate governance, integrity and professionalism, creativity, responsibility, teamwork and adaptation to change. In order to realize this commitment, the university shall comply with all applicable requirements through the implementation of an effective quality management system based on ISO 9001: 2015. The University management shall through ISO team ensure the establishment of quality objectives at departmental level. Annually, the Heads of Department shall review the established quality objectives.

Article 35 of The Constitution of Kenya 2010 guarantees right of access to information by citizens. It is against this background that Machakos University aims at becoming the nerve Centre of academic excellence in research and academic output by providing a platform for generation and dissemination of knowledge assets. The University has established an institutional repository through which research works originating from staff,

students, community and collaborating parties can be accessed. It has therefore recognized the need for creation of Open Access Policy which will offer the necessary guidelines on how to create, preserve and disseminate intellectual output.

## **1.2 Vision of the University**

To be the preferred University of Scholarly Excellence in Scholarship and Service Delivery

## **1.3 Mission of the University**

Provide scholarly education through Training, Research and Innovation for industrial and socio-economic transformation of communities.

## **1.4 Core Values**

**Integrity** – To honestly deliver on our promises to our stakeholders

**Accountability** – To always be accountable in the assigned duties

**Professionalism** – To be committed to high standards of training and service delivery

**Inclusivity** – Respect for diversity

**Creativity** – Determination to continually improve

**Teamwork** – To actively work together to achieve common goals

**Equity** - To strive to be an equal university where meritocracy is practiced in all areas

## **1.5 Mandate**

The core mandate of Machakos University is to Teach, Train, conduct Research, Innovate, and Collaborate, and generate new knowledge and Community Service.

## **1.6 Strategic Goals**

- a) Increase access to higher education and produce holistic graduates through quality training and research.
- b) Improve productivity by attracting, developing and retaining competent and efficient work- force.

- c) Develop infrastructural facilities that meet the needs of the University.
- d) Promote Research, Science, Technology and Innovation for economic prosperity.
- e) Integrate ICTs in all areas of management, research, consultancy and teaching and learning.
- f) Offer efficient service to all and create a strong brand name.
- g) Institutionalize good governance.
- h) Meet the financial needs of the University.
- i) Establish mutually beneficial partnerships, linkages and collaborations
- j) Provide efficient and effective services to stakeholders

### **1.7 Methodology**

This Policy has been developed through consultative and bench marking processes which included inputs received during open access policy formulation, adoption and implementation forum meetings. The policy was subjected to Machakos University approval procedures.

### **1.8 Legal and Policy Framework**

The open access policy shall be administered in compliance with the following legal documents among others:

- (i) The Nagoya Protocol on Access and Benefit-Sharing (2011)
- (ii) The Constitution of Kenya 2010
- (iii) The Universities Act, No. 42 2012
- (iv) The Public Officers Ethics Act, 2003
- (v) Industrial Property Act, 2012
- (vi) The Anti-Corruption and Economic Crimes Act, 2003
- (vii) Machakos University Intellectual Property Rights Policy
- (viii) Machakos University Research Policy
- (ix) Machakos University Statutes



- (x) Rules Governing the Conduct and Discipline of Students
- (xi) Information and Communications Act, 2015
- (xii) Books and Newspapers Act, 2012
- (xiii) Commission for University Education Guidelines and Standards, 2014

### **1.9 Scope**

This Policy shall apply to:

- (a) All Staff, Students, Visiting Researchers, Consultants and Independent Contractors, and Collaborating institutions (including development partners) of the University.
- (b) All the University's Campuses, Schools, Workshops, Laboratories and other facilities

### **2.0 POLICY STATEMENT**

Machakos University aspires to be a model institution of higher learning committed to providing quality digital research materials in open access.

Machakos University requires that the full-text of all such publications be made openly available immediately where possible and in any case immediately after the journal's embargo period expires.

### **3.0 POLICY OBJECTIVES**

The objectives of the Open Access policy shall be to:

- a) Define what may or may not be deposited
- b) Set terms of deposit and use
- c) Guarantee access to and use of research output
- d) Promote the preservation of scholarly work
- e) Enhance the quality and quantity of intellectual output

- f) Promote the discoverability of research work
- g) Provide open access to MksU scholarly output
- h) Increase visibility and impact of the University's research output
- i) Enhance collaboration with global research community
- j) Enhance researcher's profiles

#### **4.0 CITATION AND APPLICABILITY STATEMENT**

This policy shall be cited as the Machakos University Open Access Policy, 2019.

#### **5.0 MksU OPEN ACCESS COMMITTEE**

The Vice Chancellor shall appoint members to MksU open access committee for a maximum of two consecutive terms of four (4) years where each term lasts for two (2) years. A member may resign by writing to the Vice-Chancellor through the office of DVC (RIL).

#### **6.0 MEMBERSHIP, FUNCTIONS AND SUBMISSION GUIDELINES**

##### **6.1 Membership**

MksU Open Access Committee shall consist of the following members:

i. Mandatory members shall be:

- a) A Chairperson
- b) University librarian
- c) Quality assurance officer
- d) Two senate reps

ii. The Committee shall have at least five members and if more, the total membership must be an odd number.

## **6.2. Functions of Machakos University Open Access Committee**

The functions of MksU Open Access Committee is to provide guidelines and ensure adherence to Open Access practices under the auspices of the University.

## **6.3. Submission Guidelines**

MksU Open Access Committee shall be responsible for vetting the content to be deposited on the University Repository and the University Librarian shall be in charge of the secretariat for uploading the approved materials.

## **6.4 Licensing, Compliance and Quality Control**

- (i) This policy is registered with ROARMAP under partial open access licensing rights.
- (ii) Any submissions not meeting the submission criteria will be returned to the depositor with reasons for refusal.
- (iii) For all submitted items the Repository Administrator will check the publisher's policy and/or Research Funder information. Most policies are documented via the SHERPA/ROMEEO database (<http://www.sherpa.ac.uk/romeo.php> and <http://www.sherpa.ac.uk/juliet/index.html> respectively) and information services will use this as a major support tool.

## **6.5 Metadata guidelines**

- (i) The metadata schema used throughout by repository will be principally based on Dublin Core.
- (ii) Basic descriptive metadata that must be provided by the contributor are:
  - a) Author/creator
  - b) Title
  - c) Type of resource

- d) Date of publication
- e) Subject of the work
- f) Copyright owner
- g) Journal/Book title, issue, number / publisher
- h) Abstract
- i) Keywords
- j) Citation

## **7.0 TYPES OF ELIGIBLE CONTENT**

The following types of materials shall be accepted into the Repository:

- a) Theses and dissertations/research projects
- b) Scholarly Research articles (published peer reviewed and pre-prints)
- c) Open lecture proceedings
- d) Conference/workshop Proceedings
- e) Books, monographs, book chapters
- f) Image collections (paintings, pictures, drawings, illustrations, etc.).
- g) Audio and audio-visual materials
- h) Technical reports and working papers
- i) Inaugural lectures, distinguished lectures, speeches
- j) Admissions lists
- k) Graduation lists
- l) University policies
- m) Events programs
- n) Valedictory presentations
- o) University calendars
- p) University magazines
- q) University examinations
- r) University Forms
- s) Newsletters
- t) Literary publications
- u) Other materials as maybe approved by the University Senate and the Vice- Chancellor

## **7.1 File Formats**

Only digital or digitized items shall be accepted into the repository.

## **7.2 Replacement and Withdrawal**

A depositor may request that an item is replaced by another version if an error is discovered in the content or a new edition is in circulation. The replacement item may use the same record as the original.

Items shall be preserved indefinitely and may only be withdrawn from the repository due to:

- (i) Proven copyright violation or plagiarism
- (ii) Legal requirements and proven violations
- (iii) National Security
- (iv) Falsified research
- (v) Request by the author (however, this will lead to embargo of the items)

The author shall be notified in case of withdrawal.

## **7.3 Plagiarism**

The University is committed to upholding the standards of academic integrity and honesty and to promoting responsible practice in research. Plagiarism lowers the level of academic integrity and will therefore not be tolerated by the University. The library shall ensure that information is used responsibly and as per the University plagiarism policy.

## **7.4. Monitoring and Evaluation**

The Deputy Vice Chancellor in-charge of Research, Innovation and Linkages shall be responsible for monitoring and evaluation of the policy.

### **7.5 Adherence to Intellectual Property Legislation**

This policy shall adhere to the stipulated intellectual property legislation in Kenya in relation to Open Access Institutional Repositories. Copyright owners retain the copyright for their intellectual property deposited in Machakos University Institutional Repository. All depositors will be required to agree to a non-exclusive Machakos University Repository Deposit Agreement (Appendix I) in order to authorize the preservation of their intellectual property and/or the related metadata in Machakos University Repository and its/their dissemination.

### **7.6 Responsibility for Managing the Institutional Repository**

The University Librarian shall be responsible for managing the Institutional Repository.

## **8.0 POLICY INTERPRETATION AND CONFLICT RESOLUTION**

Machakos University OAC shall be responsible for interpreting this policy and shall also resolve disputes concerning its interpretation and implementation.

## **9.0. POLICY IMPLEMENTATION**

Machakos University OAC shall be responsible for managing the implementation of the policy and procedures.

## **10.0 POLICY REVIEW**

The Policy shall be due for review three (3) years from the date posted at the end of the document, however it can also be reviewed to re-align it to the national and international requirements when need arises.

## **11.0 DISCLAIMER**

- a) The University disclaims any information or items on the University repository that contains plagiarized content.
- b) The Council in consultation with the Senate reserves the right to change, add, amend or otherwise vary the open access policy regulations at any time without notice.

## **APPENDIX I: REPOSITORY DEPOSIT AGREEMENT**

This Agreement is for Machakos University Authors wishing to deposit research publications (journal articles, conference papers and book chapters) or any other acceptable intellectual property into the Institutions Repository. The form only needs to be completed once. Authors will be notified by the University Librarian and Repository staff if there are any extra requirements for a particular work.

By depositing your work, and any future work you might submit, you agree to be bound by the terms of this Deposit Agreement as follows.

1. I give Machakos University the right to store my research publications and make them permanently available online to the public for free.
2. I understand that there is no transfer of copyright ownership when a deposit is made to the Repository.
3. I understand that publisher agreements may include provisions assigning my copyright to the publisher which could restrict making the work public in the repository. I understand that Repository staff will ascertain and abide by current publisher policies regarding institutional repositories prior to making the full-text of such material publicly accessible.
4. I warrant that all third-party copyright material has been clearly identified and acknowledged within the text or content of my work(s) and any necessary copyright clearance to use the material has been obtained.
5. If a work is based upon material that has been sponsored or supported by an agency or organization other than Machakos University, then I represent that I have fulfilled any obligations required by such contract or agreement.
6. I warrant that the content of my work(s) are not defamatory and do not contain personal information about another person.
7. I understand that Machakos University reserves the right to remove content from the Repository at any time for any reason without notice.



I Prof/Dr/Rev/Mr/Mrs/Ms/Miss -----  
------(Author/Copyright owner or Nominated Agent) have read the terms of  
the Repository Deposit Agreement and agree to its terms.

School.....

Department: .....

Signature ----- Date -----

Witnessed by University Librarian:

.....

Signed: .....

Date: ..... Library Stamp-----



PCL XL Error

Subsystem:

I/O

Error:

InputReadError

Operator:

ReadFontHeader

Position:

45

