Event Title: “In Limbo: The Dilemma of Digital Thesis Repositories”

Event Description: As universities across the nation have transitioned to electronic theses, many Creative Writing graduate students face a dilemma: To earn a degree they are required to submit their work to a digital thesis repository. And though several top programs offer exemptions, not all programs protect students from having to submit their creative work to open-access repositories. What solutions exist for programs?

Event Organizer and Moderator:

Alan Soldofsky: Alan Soldofsky's most recent collection of poems is In the Buddha Factory. He is also co-editor with David Koehn of Compendium: A Collection of Thoughts on Prosody by Donald Justice. He is a Professor of English and Director of Creative Writing at San Jose State University.

Event Participants:

Lily Dayton: Lily is a freelance journalist who also writes fiction, poetry and creative nonfiction. Her work appears in Writer’s Digest, The Los Angeles Times, Pacific Standard and The Rumpus, among other fine outlets. She is pursuing her MFA in fiction at San Jose State University.

Lorinda Toledo: earned a Ph.D. in Literature with Creative Dissertation from the University of Nevada Las Vegas, where her work was supported by a Black Mountain Institute Fellowship and other awards. She is past fiction editor of Witness magazine, and teaches at Antioch University Los Angeles.

Douglas Unger: is the author of four novels, including Leaving the Land, finalist for the Pulitzer, and the collection Looking for War and Other Stories. He is a founder and Director of the Creative Writing International Program at UNLV, and serves on the executive board of Words Without Borders.

Leah Agne: is the staff librarian at the Iowa Writers' Workshop at the University of Iowa. Previously she served as University Archivist and Assistant Professor at Southern Illinois University Carbondale.

Opening remarks and housekeeping announcements.

Welcome to “In Limbo: The Dilemma of Digital Thesis Repositories.” Before we get started, let me remind you to put turn off or silence you phones and any other digital devices that make ringing sounds. Today we will be talking about the problems created when MFA and Ph.D. Creative Writing programs require students to submit their thesis manuscripts to digital thesis repositories such as ProQuest. And don’t offer another
option or allow degree candidates to submit their work on paper, to be cataloged and archived in secure collections at the university’s library.

AWP has opposed open access electronic theses repositories, stating “Just as it is important for graduate students in the sciences to protect the patent potential of their work, graduate students in creative writing need to protect the copyright potential—and specifically, first serial and book rights.” Nonetheless, because the majority of universities require candidates to submit their work to electronic digital repositories, these students risk having their work downloaded and pirated by bad actors. Or candidates may losing publication opportunities because of magazine and book publishers increased reluctance to publish work that has been uploaded to a website, and could thus be considered “previously published.” In essence, by uploading their work to a digital thesis repository, a candidate risks losing control of his or her copyright.

We have brought together panelists who have felt personally affected by complying with their campus’ digital thesis policy, or who have been working to change their university’s and their university library’s policy for handling Creative Writing theses, to protect the integrity of their degree candidates’ original creative property.

Let me briefly mention the role each speaker will have on the panel:

**Lilly Dayton:** Lilly is an MFA candidate in Fiction at SJSU and also a working journalist. Lily’s article, “Digital Repository Limbo: How Can MFA Students Protect Their Work?” was the impetus that for organizing this panel. She’ll be telling us sharing with us some additional information about the problems of digital thesis repositories weren’t included in her article. She’s also going to update us on what some the MFA candidates she’s interviewed are doing, and also talk about how she plans to approach submitting her own MFA thesis to us at SJSU.

**Alan Soldofsky:** I am going to report on what happened at SJSU when our faculty became aware of students’ anxiety about submitting their theses to ProQuest and to Scholar Works—the university’s digital thesis repository managed by the university library. When we received a petition signed by 24 MFA students, we proposed an alternative for students have bound hardcopies of their theses shelved in the university library, as was the practice before the advent of digital thesis depositories. I’ll report on the compromise we reached with the Graduate College for students to submit their theses to the English Department instead uploading them to ProQuest and the Scholar Works (campus) digital thesis repositories. I’ll finish by discussing the future of negotiations with the Graduate College, and how we intend to pursue with the Academic Senate a change in the university’s policy for open access theses in all disciplines through the university’s contract with digital thesis repositories.

**Lorinda Toledo,** a Ph.D. in Fiction from UNLV, well describe her experience being blindsided while writing her creative dissertation by being required to submit her work to ProQuest and UNLV’s campus digital thesis repository. And she’ll describe how even with embargos in place a member of her Creative Writing cohort’s dissertation was
leaked from the ETD to which it had been uploaded. She’ll also describe the efforts UNLV students have made (across several disciplines) have made to change the university’s digital thesis repository requirements.

**Doug Unger** will report on the risks and unintended consequences that befall UNLV Creative Writing candidates at UNLV and elsewhere (MFA and Ph.D.) because of enforcing the requirement that all students submit their work to open access digital thesis repositories. He’ll describe how even with embargoes and other system protections in place, UNLV creative writers have their work downloaded and used by bad actors to the detriment of the authors’ exercising control of their creative property. He will also discuss how digital thesis repositories infringement on copyright is prejudicial to students and their careers.

**Leah Agne**, the staff librarian at the Iowa Writer’s Workshop, will describe the exemption Workshop students have been granted from University of Iowa’s campus-wide digital thesis requirements. Iowa Workshop students are allowed to submit a paper copy of their creative writing thesis or dissertation in order to meet the university’s Creative Writing graduation requirements. She’ll provide some background on the Workshop was able to receive this exemption for their students.

Participant Notes and Initial Remarks:

**Lilly Dayton:**
I will talk about the digital thesis dilemma for MFA students, both from the perspective of a journalist as well as from the perspective of a student, focusing on the following points:
- Why I first became interested in this topic: A lack of understanding among students and administrators about the potential ramifications of ETDs in creative fields
- A closer look at digital repositories: university repositories and Proquest—what function do these repositories serve? Who do they serve?
- Common concerns of MFA students
- Common responses students hear when they express their concerns
- Are student concerns warranted? A closer look at some case studies
- What do agents, editors and publishers say?
- Various levels of protection for MFA theses, and how effective they are
- Ways that MFA students can protect their work.

**Alan Soldofsky:**
I became aware of an issue about digital theses when a group of about 25 of our MFA students sent around a petition to my office wanting the English Department to provide assurances that the department and university would protect their creative work so that
they could attempt to publish it. SJSU’s Academic Senate had instituted an open-access thesis policy in 2014. The arrangement would allow students to select up to a 5-year embargo to be placed on making their work available to be read by the off-campus public. It was explained to us that ProQuest would allow students to renew the embargo indefinitely, but it also seemed that some students’ thesis were still visible on the Internet.

This petition precipitated a series of meetings were we proposed to provide an exemption or an option for MFA students to submit a thesis. We first addressed our concerns to the Curriculum and Research Committee of the Academic Senate who had originally authored the 2014 digital thesis policy. We then addressed our concerns the Interim Dean of the College of Graduate Studies, who proposed a temporary solution, which we have subsequently implemented. We now allow students the option of submitting a “Departmental Thesis,” which is read and approved by the English Department chair and director of Graduate programs. Or they could submit a “University Thesis,” which must be uploaded to ProQuest, then read and approved by the College of Graduate Studies. Students submitting their theses to ProQuest could select a 5-year renewable embargo if they wish.

The students came forward to express their concerns to the MFA faculty in Fall 2018, knowing there have been incidents nationally of publishing contracts being cancelled when it was discovered that earlier versions of creative works in the form of MFA theses were available online. Open access has also been a concern for those writing memoirs as they are anxious about family issues or even lawsuits if the content of memoirs are made publicly accessible (for instance the memoirist in our program who is the ex-wife of a famous movie star). One of our students, Lily Dayton, did an investigation into how MFA theses are dealt with nationally for The Writer magazine and found out from a member of our library staff that a request up to a five-year embargo could be rejected.

Overall, this account made our students very anxious and many talked about leaving the program or at least not turning in their theses until they could do it on paper only, which seems to be the best practice among MFA programs nationally. This tumult has created a great deal of anxiety for students and will probably have a negative impact on our program. It may very well extend students’ time to graduation at the very least. Some have mentioned transferring to another CSU where open access is not demanded of creative theses.

The 2014 digital thesis repository policy (S14-10), adopted by the Academic Senate declares that “SJSU is a public institution funded by public monies, and the products of its faculty and students are to be made available to the public. Students have received value in their research or creative activities and are not entitled to completely suppress the thesis content as if the thesis is a commercial entity. Thus, ultimately that work should be publicly available.” The policy goes on to state: The university reserves the right to publish all theses. While it will permit delays under certain circumstances, permanent embargoes are prohibited. The policy does allow for delays (embargos) when the thesis contains “creative works, such as novels, poetry, or short stories, or works to appear as part of a book of research findings for which a delay would allow commercial
publication, and thesis publication by a commercial provider of theses such as ProQuest would be viewed by commercial publishers to be the same as commercial publication.”

Since creating a publishable work is a major goal of most MFA programs, making MFA theses open access runs directly counter to the program’s academic mission. The English Department Chair and I tried to negotiate further with the Interim Dean of Graduate Studies to make the embargo permanent or to allow for an exemption for MFA Creative Writing students to submit a paper thesis and not to upload their work to ProQuest or a similar Scholar Works, the university library’s digital thesis repository. One of our MFA Fiction faculty had spoken with the Dean of the university library who said she find room catalog and shelve print copies of MFA theses. So, paper was doable. But for the College of Graduate Studies it was a non-starter. The result is we have temporarily instituted a two-tier thesis policy, paper thesis become the sole responsibility for approving and maintain rests with the English department. And the theses are not eligible to submitted for university-wide thesis prizes.

Lorinda Toledo:
I will be speaking about electronic theses and dissertations (ETDs) from the perspective of a student by way of discussing my personal experience, which I think can serve as a case study of the kinds of issues that arise from ETDs as well as the student-led effort we facilitated at my university, with examples of the successes, failures, and obstacles that arose. I hope this will help others anticipate and better navigate these issues, which, if not resolved can have serious implication on the careers of writers and on the industry as a whole.

While I was a Creative Writing doctoral student, the concerns that ETDs present were brought to light through a student-led effort at my university in 2016; and then again in 2019, after one graduate’s dissertation leaked from the university’s digital archives, in spite of having her embargo in place.

In both instances, we tried to make the case to the Graduate College and the University Libraries, as well as to our interdisciplinary graduate student government organization, that creative theses and dissertations are in need of protections.

Early moderate success: After we first raised our concerns about ETDs by presenting them at a 2016 GPSA meeting, the Graduate college reacted favorably by creating an option for a permanent embargo with ProQuest, and a 7-year renewable embargo with the university’s digital archives. At the time we had been primarily concerned with ProQuest, so this appeased us at that time.

Later failure:
• In spite of having the maximum embargoes in place, a creative dissertation still leaked in Spring 2019—and to our surprise, it wasn’t ProQuest that was the
problem. The leak occurred from our own university’s digital archives (which do not require a log-in to access).

Obstacles:
There were many to more significant change that arose in our case, and that may parallel obstacles at other universities:

• Lack of awareness. We live in a digital world where people are used to sharing everything private online. It’s not easy to convince them why they should be concerned about this particular scenario of ETDs.
• Since student populations by nature change frequently in a university, it’s difficult to keep people informed and keep the momentum to address these issues.
• Many students are not aware of exactly what happens to their thesis or dissertation until they are about to graduate, at which point it is too late to do much about it.
• Inevitably, it’s difficult to make a discipline-specific case for an exception to ETDs, even though this specificity of discipline transcends creative writing to the English literature scholars, as well as some other book-based disciplines in the humanities—notably, History, where this is issue has been debated for years in their professional organization;
• But forming alliances across disciplines to gain widespread support is also difficult.
• It’s difficult to hold administrators accountable because of a lack of transparency in the process, as well as because of the workload that students already grapple with while in their programs.
• The GPSA in Spring 2019 did not formally endorse the effort, although they were more supportive in 2016. Again, the shifting student population came into play.
• It’s been difficult for students to garner widespread faculty support.
• The majority of students did not actively mobilize, even if they signed the petition and supported the effort.
• It’s difficult to communicate across departments to gain widespread support; yet the university does not want to appear to favor only a single department with its policies.

Mild successes:

• Laid the groundwork for future efforts. Hopefully the current students and faculty now aware of the issue will continue to raise it and ask for accountability.
• We did garner interdisciplinary support from some students and faculty.
  o Within a two-month time period in 2019 the petition gained more than 100 signatures.
• To appease the Creative Writing department during the term I graduated, the Graduate College put in place an automatic embargo of creative theses and dissertations. To my knowledge, this was only a one-time solution to address the problem quickly; I’m not sure if it will remain in place.
• Deans from the College of Liberal Arts, the Graduate College, and the Libraries promised to meet with one another and come up with solutions. The results remain to be seen and have not been made known to me.
Douglas Unger:
I will address the following issues:
• General introduction on the differences between practice, policy, and university or system code, and the legal implications for enforcing each.
• Definition of direction by university libraries and graduate colleges for students to submit for “public access” theses or dissertations as a policy, not a code change or regulation, which should make it subject continuing negotiations by program directors with libraries and university administrations.
• History of the thesis/dissertation submission policy to UNLV libraries beginning in 2014, when the policy was instituted without discussion with graduate faculty as a “one size fits all” policy.
• Subsequent resistance by Creative Writing and other faculty: first, to eliminate requirement for software authentication programs that carried retention of copyright (and data collection) provisions in their fine print agreements, violating authors’ inherent rights, and replacing these with an “I-thenticate” software that guaranteed students deletion after authentication; and the negotiation with the Graduate College and University Libraries deans of a “7-year” embargo form (that requires renewal) that cuts off public access.
• Examples of multiple violations and/or failures of the 7-year embargo, including one published poet and one (now famous) fiction writer discovering their theses available on digital scholarship sites at UNLV Libraries and others. Based on these cases, subsequent series of hard negotiations with UNLV Libraries and Graduate College administrations to institute a “permanent embargo” with ProQuest for theses/dissertations of creative and other scholarly work that would usually or customarily be single-author monographs on which the students’ careers depend.
• Recent failure of the “permanent” embargo system for one newly graduated Ph.D. who discovered her dissertation downloaded to a library in Europe; and of another prize-winning M.F.A. student who turned a form in late and then had to write to multiple library archives to request they delete his short story collection from their data storage.
• Examples of comments from two successive deans of UNLV Libraries that show unwillingness and/or inability to comprehend the differences between creative and scholarly theses/dissertations and publications in STEM fields (including direct quotes). Use of the one violated Ph.D. student’s case as a grounds to demand a change in policy, which is ongoing.
• Review of other possible solutions to this dilemma, including: alternate titles for theses and stories uploaded to digital archives (even with an embargo); uploading a “ghost” or other thesis with the same title as that recorded in transcripts but entirely different content intended never to be used; the Creative Writing program instituting a series of procedures to encrypt all creative theses/dissertations after the defense before uploading to ProQuest or any other digital data collection for public access; and, finally, instituting legal actions against the university and/or state system to challenge the policy.

Leah Agne:
I will give a brief overview of how MFA creative writing thesis submission, retention, and access policies work at the Iowa Writers’ Workshop, then just dig down and touch on the surface of several layers of the questions and philosophies that underpin those policies, from the perspective of a program librarian as well as a university archivist.

- When was the Iowa creative writing MFA paper thesis exception established and why?
- Why do universities/libraries want Open Access repositories?
- What information is typically shared in a student’s dissertation or thesis? And why is it shared?
  - In physics/engineering/math
  - In social Science and philosophy?
  - In other MFA fields (music composition, dance / choreographic study)
- How is a Creative Writing thesis different? What information is typically shared in an MFA thesis, and why is it shared?
- Aren’t there potential publicity-advantages of Open Access for MFA student-authors?

How do graduates use or invoke their MFA theses post-graduation?

- What can we argue that students own, and what can a state-funded university own, vs. what both parties “owe” to each other and to the public? Very brief concluding thoughts about intellectual property/copyright as applied to MFA creative writing theses

MODERATOR QUESTIONS:

1. What arguments can be best used to persuade graduate college and university library administrators why original works of creative writing contained in MFA thesis and Ph.D. creative dissertations should be exempted from being archived in digital thesis repositories where through open access the public can download these materials without permission from the author?

2. What harm has been seen on your campuses to MFA and Ph.D. creative writing students subsequent to their having uploaded their original works of creative writing to digital thesis repositories?

3. What state universities follow prescribed their state’s education code concerning what constitutes a thesis at the Masters or a dissertation at the Ph.D. levels? Which do not, and how are they able to institute policies at variance with the educational statues that govern their universities?

4. Why was the University of Iowa Writers Workshop allowed to be exempt from Iowa’s state educational policies that govern the production, approval, and submission of Master’s theses and doctoral dissertations?