

UC OA Policy Frequently Asked Questions

Why have the faculty of the University of California adopted an Open Access Policy for scholarly articles?

A University of California Open Access Policy represents a powerful, collective statement about the faculty commitment to promote the access to and use of scholarship by the wider public. The primary aim of this policy is to make UC scholarship more easily and broadly discoverable and available to anyone in California or the world. As faculty members, we are asserting our control over the publication of scholarly research and recognize the responsibility for making that process sustainable and true to the intentions of scholars. The faculty are also sending a strong collective message to publishers about the values and the system we would like in the future.

What do faculty need to do to comply with this policy?

By passing the policy on July 24, 2013, UC faculty members have committed themselves to making their scholarly articles available to the public by granting a license to UC and depositing a copy of their publications in [eScholarship](#), UC's open access repository. The policy automatically grants UC a license to make any scholarly articles available in an open access repository. UC will not do so, however, until an author takes the action of depositing an article in UC's eScholarship repository or confirms the availability of the article in another open access venue – i.e., a repository (such as PubMed central, ArXiv or SSRN) or an open access journal.

When does this policy take effect?

Faculty on three campuses (UCLA, UCI and UCSF) will begin depositing articles in eScholarship on November 1, 2013. Progress on deposit implementation will be reviewed during the following year. Deposit of articles by faculty on the remaining campuses is expected to begin on November 1, 2014. Of course, faculty at all campuses are welcome to [deposit articles in eScholarship](#) before these dates.

The California Digital Library and the campus libraries will assist faculty by providing a streamlined deposit system into eScholarship and an automated 'harvesting' tool in order to ease the process of depositing articles, under the following projected timeline:

Nov 1, 2013	Faculty deposit implemented for UCSF, UCLA, UCI
May 2014	6-month review by Academic Senate
June 2014	Harvesting tool project completed for UCSF, UCLA, UCI
July/Aug 2014	Review of harvesting tool by Academic Senate
Nov 1, 2014	Faculty deposit implemented for remaining UC campuses, contingent on Senate reviews
June 2015	Harvesting tool implemented for remaining UC campuses, contingent on Senate reviews, funding

Do Faculty need to notify publisher(s) about this policy?

The UC libraries will take steps to notify many publishers about the policy and the license granted therein to UC to make articles openly accessible. If Authors wish, they may also submit a standard addendum when signing the publisher's copyright agreement to further assert the terms of the policy. Simply fill in the fields on the [Addendum request form](#) developed for this

policy and send it to the publisher along with the publication agreement. Please note: whether or not an addendum is used, the license to UC will still have force, but it is good practice to include it.

Does this policy supercede the UCSF open access policy, adopted May 21, 2012?

Not immediately. UCSF will continue to operate with the original policy during the 2013-14 academic year, while this new UC-wide policy is being evaluated.

Why does the policy use an automatic license? Why not just let faculty members opt in to the policy on an individual basis?

Because it is much harder for individuals to negotiate these rights on an individual basis than to assert them collectively. By making a blanket policy, individual Faculty benefit from membership in the policy-making group, without suffering negative consequences. Faculty retain both the individual right to determine the fate of their work, and the benefit of making a collective commitment to open access. Before Congress enacted the National Institutes of Health (NIH) Public Access Policy, participation in the program was optional. During that period, there was only a 4% level of compliance. Opt-out systems achieve much higher degrees of participation than opt-in systems, while remaining non-coercive. The University can work with publishers on behalf of the Faculty to simplify procedures and broaden access while Faculty can retain rights to do as they wish with the output of their research.

Can Faculty opt out of this policy?

Yes. The policy allows Faculty members to opt out on a per-article basis. Faculty members may waive the open access license for each article permanently, or delay appearance of the article (embargo it) for a specified period. If for any reason, the scholar does not want to make the work publicly available, he or she simply needs to submit [a waiver request](#), and automatically receive a waiver letter verifying this choice. Faculty can still choose to deposit the article in the repository if they wish, as long as the agreement signed with the publisher reserves that right.

What kinds of writings does this apply to?

It applies to “scholarly articles.” Using terms from the Budapest Open Access Initiative, scholarly articles are articles that describe the fruits of research and that authors give to the world for the sake of inquiry and knowledge without expectation of payment. Such articles are typically presented in peer-reviewed scholarly journals and conference proceedings. The UC open access policy is not meant to address other written products, such as books, popular articles, commissioned articles, fiction and poetry, encyclopedia entries, ephemeral writings, lecture notes, lecture videos, or other copyrighted works

What version of their article should Faculty submit to the repository?

The policy requires that the author submit the "final version", which safely means the manuscript copy post-peer review but before a publisher typesets and finalizes it. Some publishers allow the deposit of the publisher’s final typeset version, and others do not. The eScholarship deposit process will attempt to determine which version can be deposited based on the journal. In the case that the author is publishing in an open access journal, the version submitted will likely be the final published version with typesetting and journal branding intact.

Does this policy require faculty to deposit even if they opt out?

Faculty at UCSF are still required to deposit for archival purposes. At the other campuses, if authors choose to **permanently** waive the open access license for a particular article, they are not required to deposit that article. If they choose to embargo (delay public access to) a publication, they are required to deposit it before the expiration of the embargo.

Which publishers allow this policy?

[There is a very long list of publishers that already allow so-called “green open access”](#) with or without an university open access policy. A handful of large publishers object to these policies and will demand that faculty members embargo or delay access (or opt out permanently) in order to publish an article. UC provides an automated system to allow you to specify your publisher's embargo requirement, enabling you to complete the deposit process immediately with the confidence that the University will not provide access to your manuscript until the embargo period has passed. Additionally, your publisher may require written assurance that the embargo restriction will be met. The embargo option on the [UC Open Access Policy waiver and embargo](#) site will generate a form that acknowledges your publisher's embargo requirement.

Does this policy require that Faculty publish in particular journals or pay fees or “Article Processing Charges” to publish?

No. Faculty are strongly encouraged to continue to publish as normal, in the most appropriate and prestigious journals. Faculty are not required to pay to publish articles or pay to deposit them in an open-access repository under this policy, unless they choose to do so. But the policy also seeks to raise awareness that there are other options for your publications, including open access journals (some of which charge author fees and some of which do not), which will make your work more widely available.

What effect will this have on the ability of Faculty to publish in top-ranked journals?

None. The policy is completely agnostic with respect to where a Faculty member chooses to publish: it only requires that Faculty retain the right to make the work available in a repository. If a publisher refuses to publish a work due to the terms of the policy, the Faculty member has several options: he or she can choose to publish elsewhere, ask his or her University Librarian or CDL to negotiate with the publisher, embargo (delay public access to) the article for as long as the publisher requests, or simply opt out of (waive) the open access license. [A simple web form](#) is available to help with this process.

Are there benefits to depositing an article even if a faculty member opts out of the license grant?

Faculty can still choose to deposit the article in the repository if they wish, as long as the agreement signed with the publisher reserves that right. There are many benefits to depositing even if one opts out of the policy: ensuring that an easily accessible, permanently archived copy will be available for use and re-use in teaching; sharing copies with other scholars; republishing or reusing elements of an article; facilitating the creation of a dossier of publications in the promotion and tenure review process; and creating a meta-data record that facilitates findability and citation of work. In addition, UC (via CDL) often negotiates open access rights independently and can sometimes make a work available after an embargo period.

Doesn't the opt-out approach mean that the policy has no teeth? Won't publishers just demand that all authors opt out?

[Many publishers already allow deposit of articles in their standard agreements and will have no issue with this policy.](#) The intent of this policy is not to make publishers capitulate to Faculty demands for open access, but to find ways to make our work have greater impact and accessibility. If there is any message to publishers, it is that we hope they will continue to explore options for more sustainable open access publishing solutions in the future, so that policies such as this one become unnecessary.

Publishers usually require Faculty to check a box indicating transfer of copyright before a paper is published. Will Faculty be in compliance with the policy if they checked the box?

Faculty are free to transfer their copyright to whomever they wish, but as of the effective date of the policy, articles are subject to a pre-existing license. Publishers who require copyright transfer can be alerted to the policy using an addendum such as the standard [UC OA Policy Addendum](#), which can be submitted along with the publisher's article publication agreement. Or faculty might want to offer a modified publication agreement instead of transferring copyright to any publisher. Many faculty members routinely modify their agreements to do just that, and many publishers comply. If faculty members truly want to transfer all rights to someone for an article, they may permanently opt out of the license for that article.

Does the policy allow commercial re-use of an article?

The UCSF policy does not allow commercial re-use. The policy passed by the Academic Council does, but only if a faculty author chooses to do so. Uses of the article are governed by the copyright license under which it is distributed, and faculty authors choose which license to use at the point of deposit. Faculty members may choose to restrict commercial re-use by choosing a Creative Commons license with a "Non Commercial" (NC) restriction when they deposit their article; or they may choose to allow it by choosing a license like the "Attribution only" license (CC BY). If no license is specified, a non-commercial license will be used by default.

Here is a summary of the terms available with a Creative Commons license:

- **Attribution** means: You let others copy, distribute, and display your copyrighted work - but only if they give you appropriate credit. All Creative Commons licenses have this requirement.
- **Noncommercial** means: You let others copy, distribute, and display (and possibly adapt) your work but for noncommercial purposes only.
- **No Derivative Works** means: You let others copy, distribute, and display only identical copies of your work, not translations or other derivative works based upon it.
- **Share Alike** means: You allow others to distribute adaptations, translations, or other derivative works only under a license identical to the license that you chose for your work.

Why would anyone allow the commercial re-use of an article?

Because there are many "commercial" uses that faculty want to encourage: re-use in a course reader, print distribution in a developing nation, republication in an edited volume, etc. Restricting the use of articles to "noncommercial" purposes can prevent all of these uses. At the same time, a copyright license that permits commercial re-use does not condone unscrupulous or

illegal uses of works. Finally, releasing the articles in unrestricted form can encourage new and creative forms of re-use and analysis that might be prevented if restrictions are added to the works.

Does the eScholarship repository or the University of California intend to make money from these articles?

No. The policy explicitly states that the purpose of this license is “for the purpose of making their articles widely and freely available in an open access repository” and that “Any other systematic uses of the licensed articles by the University of California must be approved by the Academic Senate.” Provost Aimee Dorr has also assured the Faculty Senate that UC has no intention to make any commercial use of these articles, and the Faculty Senate is committed to monitoring this effort to ensure that this promise is kept.

What happens in the case of co-authorship? What if a faculty member has co-authored with someone at a university that does not have this kind of policy?

Under US copyright law [all joint authors own the work jointly and equally](#). This means that each author can grant third parties permission to use the work on a nonexclusive basis without the consent of other joint authors. Generally speaking, co-authors should always clearly indicate to each other at the point of authorship what their preferences are, to avoid misunderstanding. If you have signed a contract or agreement with another institution regarding your publications, you should consult with that institution. Otherwise, UC faculty have the right to make work available under this policy independent of their co-authors’ institutional policies or preferences.

Are (Clinical faculty/Postdocs/Grad students/undergrads) covered by this policy?

As of August 2013, the policy covers only tenure-track ladder faculty; however, the Academic Council has advised the office of the president to adopt this policy as a “presidential policy” and to determine the scope of the policy.

Can faculty members make their work open access if it has copyrighted images in it?

In some cases yes, and in some cases no — if permission was required in order for the image to be used, it depends on the permission rights you or your publisher agreed to for the use of the image(s). If you have negotiated a broad right to reproduce the image online, then you can likely deposit it in an open access repository, depending on the wording in the permission agreement. You may also be able to rely on fair use to use the image, or a similar one obtained from a separate source. If you do not have the rights, you can negotiate for additional rights, opt out of the policy for that article, or deposit a version of the article that does not include the image(s). If you need help determining what rights you have, contact help@escholarship.org,

My publisher is offering me Open Access for \$(absurd amount). Should I pay for this?

Not unless you want to. The policy gives you the right to make a version of the article available in the eScholarship repository without paying fees to anyone. Paying for this kind of open access (often called “hybrid” open access, because it makes a single article in a closed access journal openly available) will allow your article to be immediately available on the publisher’s site. You should however, verify that the license terms and availability of the article will be better than the rights you have already reserved under this policy

Can I speak with someone directly about the policy and/or its implementation?

For any questions specifically about the waiver/embargo/addendum request process, eScholarship repository services, or copyright issues related to the policy, please contact:

Access & Publishing Group
California Digital Library
help@escholarship.org

Campus Contacts

Campus library staff are available to answer general questions about the policy and its implementation.

- **Berkeley**
Jean McKenzie, jmckenzi@library.berkeley.edu
Margaret Phillips, mphillip@library.berkeley.edu
- **Davis**
Open Access support team, OAsupport@lib.ucdavis.edu
- **Irvine**
Carol Hughes, hughes@uci.edu
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FREQUENTLY ASKED QUESTIONS ABOUT OPEN ACCESS PUBLISHING IN GENERAL (NOT SPECIFIC TO THE UC OA POLICY)

Is OA publishing intended to move the burden of subscription costs on to Faculty?

No. Open Access is an effort to make research publications as widely available as possible. Many publishers now offer open access by allowing authors to pay to publish articles, sometimes known as “Gold Open Access” models. Such a model can relieve the pressure on over-taxed library subscription budgets and achieve open access, but the balance and the costs of doing so are far from clear. Over the past 20 years, libraries have been hit with dramatically increasing subscription costs and decreasing funding by parent universities, and publishers have failed to make work as widely available as current technologies allow. Some mix of subscription and “pay-to-publish” models will likely emerge in the future, but faculty and universities must remain vigilant that this is achieved on their terms, not those of the publishers.

What about the article processing charges (APCs) – or other author-side costs – associated with Open Access? How can you say there are no costs associated with the UC Open Access Policy?

At the moment, there are two primary versions of open access dissemination for research publications: “gold OA” (open access journals) and “green OA” (pre- or post-print deposits in open access repositories). Both of these approaches are intended to lower the access barriers to scholarly research output. Open access journals come in various models, including traditional serials with print-based layouts, tables of contents and a select number of articles, or “mega” journals with unlimited articles and little organization. Many of these journals charge APCs in lieu of subscription fees to support the open access publication (including the peer-review and copy-editing) of their content.

The deposit of published materials into open access repositories like eScholarship, on the other hand, does not involve author fees. UC’s Open Access Policy utilizes this “green” open access approach of archiving previously published papers, most of which will not have originally been published in open access journals.

Will funding agencies pay for publication costs?

Yes. Some funders will pay publication fees. For example, according to published NIH policy, “The NIH will reimburse publication costs, including author fees, for grants and contracts on three conditions: (1) such costs incurred are actual, allowable, and reasonable to advance the objectives of the award; (2) costs are charged consistently regardless of the source of support; (3) all other applicable rules on allowability of costs are met.” Authors should check directly with their funders to determine their funding policies.

Will my Institution help pay for publication costs?

In some circumstances. First, it is important to note that Article Processing Charges (APCs) are not charged by all open access journals. Many journals, especially outside the sciences, use other business models. Where APCs are relevant, it is predicted that the less a library spends on increasing subscription costs, the more the library will have resources available to support Faculty publications in Open Access journals. Some UC campuses have already started [OA funds](#) for exactly this purpose.

Are OA journals peer-reviewed to the same degree as more traditional publications?

Yes. A journal's economic or access policy does not determine its peer review policy. Most scholarly journals, whether open access or controlled-access journals, are rigorously peer-reviewed. There are both open and controlled journals that are not peer-reviewed. Many publishers now have an open access option for individual articles. This open access option does not change the quality of the peer review or editorial process for those journals or articles.

There are a lot of bad open access journals out there. How do we distinguish the good journals from the bad ones?

Open access is not a designation of quality. OA journals should be judged by exactly the same criteria as any traditional publication: the caliber of the research published, the peer review process, the composition of the editorial board and staff, impact factors or any other trusted metrics of quality. Contact your campus library if you would like more information about a particular publisher or journal.

Do articles published in OA journals get as much credit during T&P reviews as articles published in commercial journals? Would there be a disproportionate impact on junior Faculty who have not yet been tenured?

The proposed policy does not change the tenure and promotion process. The policy does not prescribe or proscribe the venues in which an author may publish. It could have a positive effect on some scholarship by leading to more visibility and higher rates of citation, but ultimately, faculty are expected to publish in the best and most appropriate venues, whether they are open access or not.