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UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
Christopher Kelty, Chair
ckelty@UCLA.EDU

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

Monday, July 16, 2012

Robert Anderson, Chair
ACADEMIC COUNCIL

RE: Proposed Policy to Expand Open Access to Research Publications at the University of California

Dear Bob,

I hereby submit for review by the Academic Council a policy to expand open access to research publications by University of California faculty. UCOLASC requests that Academic Council adopt this policy and forward it to the President for implementation as a presidential policy.

The proposed policy is one strategy in an ongoing effort at UC to transform the scholarly publishing industry and improve the accessibility and visibility of our scholarly research. UCOLASC has worked continuously for the last 8 months to understand the issues, address diverse concerns and to prepare a policy we think will both benefit and protect the UC system and the faculty. The proposed policy will provide unprecedented access to research publications by the public and send a strong message to scholarly publishers that any changes to the scholarly publishing system must include full and permanent open access to our research publications.

The key function of this policy is to *change the default relationship that faculty have with scholarly publishers*. Currently, each faculty member must individually negotiate open access rights with each individual publisher for each publication. The proposed policy would invert that relationship. It would make open access the default right of faculty and instead force publishers to request exclusive rights (by asking authors to opt-out). By making this a collective policy, individual faculty benefit from their membership in the policy-making group. Moreover, under this policy faculty members both retain ownership of their copyright and have an unobstructed right to opt out of the license for any reason.

Over 140 universities worldwide have implemented policies such as the one we propose here, including most recently our own UCSF, who voted on May 21st to implement a nearly identical strategy. Faculty at peer institutions such as Harvard, Duke, Princeton, MIT, Kansas University and many others have passed policies promising to make their work available to the world via open access digital repositories. Many of these policies were based on lessons learned from UC's own previous attempt to formulate an open access policy in 2007. As a result, there is now much experience on which assess the effects of this policy.

All current policies are similar in design to the one proposed here. Although they differ in minor details, they each do basically the same two things. First, they collectively grant to the university a non-exclusive license for each research publication so that the university might make a version of that work available via an open access repository. Second, they obligate faculty to assist in this effort by providing a copy of each article (or the URL of an open access version) to that repository—in our case the well-established eScholarship repository run by the California Digital Library. eScholarship is prepared to begin implementation immediately.

The current proposed policy has been crafted in conversation with many constituencies. It has been extensively discussed and has the support of the Library and COLASC committees of all ten campuses, The California Digital Library, the University Council of Librarians, several Graduate Student Associations, the Library Association of the University of California, as well as the University Committee on Academic Personnel (UCAP) and the University Committee on Research Policy (UCORP). The University Committee on Academic Freedom (UCAF) and the University Committee on Faculty Welfare (UCFW) both communicated concerns that were discussed and addressed at UCOLASC's May 25th meeting. UCOLASC has replied by letter addressing these concerns in detail.

The issue of open access to scholarly publications is a thorny and complicated one involving many technical issues related to copyright law, the rapid transformation of new information technologies and the changing practices of publishers and libraries. It is clear to UCOLASC that the current system is both economically unsustainable for UC and its libraries and that it does not function in our interests. There are many different ideas circulating for how to make open access both possible and sustainable, and the scholarly publishing ecology changes rapidly. Many publishers have already committed to open access, but others (especially the largest and most profitable) have not: they remain committed to a subscription-based model that puts artificial and insupportable restrictions on scholarly research and excessive strain on library budgets.

The proposed open access policy is a single component in an effort to transform this system; it is not an overnight solution to the challenges of scholarly publishing; but in our considered opinion, neither is it a dangerous one. It is, however, a crucial and necessary first step in transforming our collective relationship to publishers, it sends a powerful message from the largest public university in the world, and it charts a path towards a sustainable, healthy scholarly publication system openly available to everyone.

Respectfully submitted,

Christopher M. Kelty, Chair, UCOLASC

Encl:
The Final Draft Open Access Policy
Presentation "An Open Access Policy for the University of California"
Proposed UC Open Access Policy: Questions and Concerns