

UNIVERSITY OF CALIFORNIA ACADEMIC SENATE

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University of California
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May 30, 2006

ROBERT DYNES
PRESIDENT

Re: Proposed UC Faculty – Scholarly Work Copyright Rights Policy

Dear Bob,

I am pleased to submit to you the enclosed Proposal for UC Faculty – Scholarly Work Copyright Rights Policy, which was unanimously approved by the Assembly of the Academic Senate on May 10, 2006. The proposal was initiated by the Academic Council's Special Committee on Scholarly Communication (SCSC) as a key policy element within a broader effort to address copyright and publication issues that threaten access to new knowledge by UC scholars and, indeed, by the global scholarly community.

The proposed change in copyright policy would be a default position that grants a license to the Regents to make work published in a scholarly journal or conference proceedings publicly accessible by posting it an open, on-line repository of scholarly publications. Faculty members would be able to opt out of the policy or choose to delay open-access publication. The policy is conceived of as a way to ensure the widest dissemination of scholarly works that advance the University's mission of education and research, and to encourage faculty members to retain their individual copyright while granting publishers non-exclusive rights.

Although the Assembly is in full agreement on the function and intent of the proposal, we recommend that final language be developed in a joint Senate/Administrative effort. Therefore, we ask that you establish a work group, made up of representatives from the Senate, the Administration and the General Counsel, that will appropriately refine the proposal in preparation for full Senate and Administrative review and adoption as expeditiously as possible.

As I mentioned, the proposed copyright policy is part of a broader effort to respond to the challenges currently facing scholarly communication, which includes a set of five [White Papers](#) developed by the SCSC. The White Papers, which were also presented to the Assembly on May 10, offer principles and best practices related to copyright issues, book and journal publishing, evolving publication technology/practices and the academic personnel process, and the role of scholarly societies. They are addressed to all of the major stakeholders in the dissemination of scholarship, including faculty, and have been widely vetted by the UC Academic Senate and by outside professional and faculty reviewers.

We welcome any comments on the White Papers and look forward to hearing how you wish to proceed in setting up the copyright policy workgroup. On behalf of the Assembly, I am grateful for your attention to this important proposal.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'John Oakley', with a stylized flourish at the end.

John Oakley, Chair
Academic Senate

Copy: Academic Assembly
Maria Bertero-Barceló, Senate Executive Director

Encl: 1

JO:bf

Proposal for UC Faculty – Scholarly Work Copyright Rights Policy

(Endorsed by the Assembly of the Academic Senate on May 10, 2006)

WHEREAS, in order to facilitate scholarly communication and maximize the impact of the scholarship of UC faculty,¹ the Academic Council's Special Committee on Scholarly Communication (SCSC) has proposed that the Academic Council consider the following recommended UC copyright policy change:

“A faculty member’s ownership of copyright is controlled by the University of California Policy on Ownership of Copyright [<http://www.universityofcalifornia.edu/copyright/>]. University of California faculty shall routinely grant to The Regents of the University of California a limited, irrevocable, perpetual, worldwide, non-exclusive² license to place in a non-commercial open-access online repository the faculty member’s scholarly work published in a scholarly journal or conference proceedings. In the event a faculty member assigns all or a part of his or her copyright rights to a publisher as part of a publication agreement, the faculty member must retain the right to grant this license to the Regents. Faculty may opt out of this requirement for any specific work or invoke a specified delay before such work appears in an open-access repository. Such a license would preserve copyright ownership in the faculty-author, thereby enabling him or her to control subsequent uses of the work.”

The Regents will direct the Academic Senate, in collaboration with UC Administration, to establish support and control mechanisms for the use of scholarly work covered by this policy. The University, including assistance, as appropriate, from the Office of the General Counsel, will support faculty in their efforts to retain copyright with attention to maintaining a broad spectrum of publication venues. No income will accrue to the Regents, the University or the Academic Council by this non-exclusive copyright license.

The intent of this policy proposal is clear, but the most appropriate language to accomplish this may need further development.

THEREFORE BE IT RESOLVED, That the Academic Council [Academic Assembly] recommends that the President appoint a working group of faculty, administrators and counsel to develop promptly such language, and proposes this change in policy for wide review and ultimately for adoption as soon as feasible.

¹ This proposal follows and implements the intent and specific principles contained in *Responding to the Challenges Facing Scholarly Communication: The Case of Scholars’ Management of Their Copyright*, <http://www.universityofcalifornia.edu/senate/committees/scsc/copyrigh.scsc.0506.pdf>

² A “non-exclusive” license means that the copyright holder may license others to use the work as well; an “exclusive” license means that the copyright holder may not license others to use the work.