



Open Access

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| Responsible Officer: | Provost and Executive Vice President for Academic Affairs |
| Responsible Office: | AP - Academic Personnel |
| Issuance Date: | [Issuance Date] |
| Effective Date: | [Effective Date] |
| Scope: | This policy applies to faculty, academic and staff employees and students at the University of California campuses, the Lawrence Berkeley National Laboratory, the Division of Agriculture and Natural Resources, the Medical Centers, the Office of the President, and all auxiliary University locations, not already covered by the Academic Senate Open Access Policy passed on July 24, 2013. |

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I. POLICY SUMMARY

The University of California is committed to disseminating its research and scholarship as widely as possible. In particular, as a public university system, the University of California is dedicated to making its scholarship available to the people of California. Furthermore, the University of California recognizes the benefits that accrue to its Authors as individual scholars and to the scholarly enterprise from such wide dissemination, including greater recognition, more thorough review, consideration and critique, and a general increase in scientific, scholarly and critical knowledge. The University of California further recognizes that by this policy, authors can more easily and collectively reserve rights that might otherwise be signed away, often unnecessarily, in agreements with publishers. In keeping with these considerations, and pursuant to the passage of an open access policy by the Academic Senate on July 24, 2013, this policy extends a similar opportunity to all non-Senate employees of the University who author scholarly articles. This document also defines procedures that implement this policy uniformly for all employees, including Academic Senate members.

II. DEFINITIONS

Academic Senate: The systemwide faculty Senate, which is composed of Senate representatives from all of the campus divisions. For a list of faculty titles conferring membership in the Academic Senate, see [Regents Standing Order 105.1](#) and the [Academic Personnel Manual, Section 110-4\(4\) \(APM - 110-4, Academic Personnel Definitions\)](#).

Embargo/Delay of Access: The amount of time before a scholarly article will be made available after it is accepted by a publisher. Under this policy, authors may specify an embargo of any length, or honor a publisher's request for one.

Employees: all faculty, academic appointees (includes academic administrative officers, Cooperative Extension and University Extension appointees, librarians, residents, interns, and postdoctoral scholars), and staff who are paid a salary, stipend, or hourly rate, excluding those holding "Without Salary" appointments, volunteers, and recalls.

Executive Officers: The University of California President, Provost and Executive Vice President, Chancellors, Lawrence Berkeley National Laboratory Director, and Vice President of Agricultural and Natural Resources.

Final Version: An author's final revised version of a scholarly article, generally post-peer reviewed, but not necessarily the typeset publisher's copy, unless allowed by the publisher. Authors are expected to deposit their final version to an open access repository by the date of publication, to the extent practicable.

Open Access: The free availability of scholarly literature on the public internet, permitting users to read, download, copy, distribute, print, search, or link to the full texts of these articles for any lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet.

Scholarly articles: Published research articles in the broadest sense of the term. A narrower term could have the effect of excluding works published in a certain format, discipline or practice. For example, the term "scholarly journal articles" might exclude those who publish in edited volumes; the term "peer-reviewed scholarly articles" might exclude law reviews which are reviewed by students or those reviewed by editorial collectives.

Student: An individual for whom the University maintains student records and who: (a) is enrolled in or registered with an academic program of the University; (b) has completed the immediately preceding term, is not presently enrolled, and is eligible for re-enrollment; or (c) is on an approved educational leave or other approved leave

status, or is on filing-fee status. This definition applies to undergraduate, transfer, graduate and professional students.

Waiver/Opt out: To waive, or opt out, means to decline to grant the University the license described in section III.B.1, below. Such a waiver can be obtained from the California Digital Library's open access website.

University of California: The "University of California" refers to The Regents of the University of California.

University Authors: Employees and students of the University of California who own their copyright in accordance with the 1992 University of California Policy on Copyright Ownership or any amendments to that policy, but who are not members of the Academic Senate. (See <http://policy.ucop.edu/doc/2100003/CopyrightOwnership>)

III. POLICY TEXT

This policy does not apply to members of the Academic Senate, who are covered by The Open Access Policy passed by the Academic Senate of the University of California on July 24, 2013 (see http://www.osc.universityofcalifornia.edu/openaccesspolicy/OpenAccess_adopted_072413.pdf)

A. General

The Open Access Policy allows University Authors (see Section II for definition of University Authors) to maintain legal control over their research articles while making their work freely and widely available to the public. The policy does not require University Authors to publish in open access journals, or to pay fees or charges to publish; it commits the University and the author to make a version of each article available publicly in an open access repository.

This policy covers two classes of authors:

1. Section III.B. covers those University Authors who do own the copyright to their works, as specified in the 1992 UC Copyright Policy. Authors who own the copyright to their works may waive the license in B.1 below, or request an embargo as specified in section V.B and V.C below.
2. Section III.C. covers those authors who do not own the copyright to their works, as specified in the 1992 UC Copyright Policy. Authors who do not own the copyright to their works may not waive the license in B.1 below, but may request an embargo as specified in V.C below.

B. University Authors who own the copyright to their scholarly works.

1. Grant of License and Limitations

Each University Author grants to the Regents of the University of California a nonexclusive, irrevocable, worldwide license to exercise any and all rights under copyright relating to each of his or her scholarly articles, in any medium, and to authorize others to do the same, for the purpose of making their articles widely and freely available in an open access repository. This policy does not transfer copyright ownership, which remains with University Authors under existing University of California policy.

2. Scope and Waiver (Opt-Out)

The policy applies to all scholarly articles authored or co-authored while the person is an employee of the University of California except for any articles published before the adoption of this policy and any articles for which a University Author entered into an incompatible licensing or assignment agreement before the adoption of this policy. Upon express direction by a University Author, application of the license will be waived for a particular article or access to the article will be delayed for a specified period of time.

3. Deposit of Articles

To assist the University in disseminating and archiving the articles, authors are expected to help the University obtain copies of the articles. Specifically, each University Author will provide an electronic copy of his or her final version of the article to the University of California by the date of its publication, for inclusion in an open access repository. When appropriate, a University Author may instead notify the University of California if the article will be freely available in another repository or as an open-access publication.

Notwithstanding the above, this policy does not in any way prescribe or limit the venue of publication. This policy neither requires nor prohibits the payment of fees or publication costs by University Authors.

C. Authors who do not own copyright in their scholarly works

The University recognizes that members of the University community who do not own their copyrights under the University of California Policy on Copyright Ownership may also be authors of scholarly articles. In these cases, the University will promote open access in accordance with Section B above. Specifically, the University will retain the right to make such articles available in an open access repository. While the University will not grant a waiver if requested by a publisher, the author may specify an embargo period, as described in Section V.C below. These authors shall also provide a copy of the final version of each article for inclusion in an open access repository, as described in Section C above, and Section V.A below.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of policy.

The Provost and Executive Vice President for Academic Affairs is the Responsible Officer for this policy and has the authority to implement the policy and to develop procedures or other supplementary information to support implementation. S/he will work with the California Digital Library (CDL), which has responsibility for 1) coordinating, with the locations, systemwide processes for deposit; and 2) managing software for harvesting and deposits. As the Provost and Executive Vice President's designee, the Vice Provost for Academic Personnel has responsibility to manage issues of policy interpretation, in consultation with stakeholders.

The Executive Officer at each location is authorized to establish and is responsible for local communication about the policy using existing committees, councils and mechanisms.

B. Revisions to the policy

The President has the authority to approve policy revisions upon recommendation by the Provost and Executive Vice President.

The Provost and Executive Vice President has the authority to initiate a review of the efficacy of the policy, to initiate revisions to policy, and to determine the process to be followed in the event that the Academic Senate updates or changes its Open Access Policy (passed July 24, 2013) in ways that affect this policy.

C. Compliance with the policy

As the Provost and Executive Vice President's designee, the Vice Provost for Academic Personnel is responsible for reviewing the administration of this policy. S/he will work with the California Digital Library to obtain data or other information to inform assessment of the policy.

The Executive Officer at each location will designate an office or individual to assess policy use and compliance. The Executive Officer is accountable for ensuring that local communication and interpretation are consistent with this policy.

V. PROCEDURES

In support of this policy, as well as the Open Access Policy adopted by the Academic Senate on June 24, 2013, the following procedures will be implemented to allow all authors of scholarly articles in the University of California to make their works openly available.

A. Deposit a Scholarly Article in the UC Open Access Repository

All authors may make a final version of their articles publicly and freely available by using the University of California's "eScholarship" digital repository via <http://www.escholarship.org/> or any other open access repository. All authors are

expected to deposit their final version to an open-access repository by the date of publication, to the extent practicable. If the author specifies an embargo (section V.C below), the author may deposit the article either by the date of publication or by the date the embargo period expires. Authors may, and will be encouraged to, deposit an article even if they choose to waive the license grant to the University.

B. Generate a Waiver

By their own choosing or upon request from a publisher, all authors who own their copyright to a given article may waive the grant of license to the University described in section III.B.1 above. To do so, an author simply has to generate a waiver at the “eScholarship” website (<http://www.escholarship.org/>).

C. Specify an Embargo Period

By their own choosing or upon request from a publisher, all authors may delay the date of appearance of their articles (“embargo” the article). To do so, an author simply has to specify the embargo period (usually six or twelve months) at the time of deposit at the “eScholarship” website (<http://www.escholarship.org/>).

D. Choose a License

At the time of deposit at the “eScholarship” website (<http://www.escholarship.org/>), all authors may choose the terms of use that will be applied to each article, for example, whether it can be subject to commercial or non-commercial reuse.

E. Obtain an Addendum

Although not necessary, all authors may request an Addendum for each article to be provided to publishers at the time of signing their author agreement. The Addendum notifies the publisher that the article is subject to either the UC Open Access Policy or the Academic Senate Open Access Policy.

VI. RELATED INFORMATION

1. [UC Academic Senate Policy on Open Access](#), July 24, 2013
2. [UCSF Open Access Policy](#)
3. [2013 University of California Open Access Policy website](#)
4. [What you need to know about the UC Academic Senate Policy on Open Access](#)
5. [UC Policy on Information Technology Accessibility](#)
6. [Open Access Policy Implementation \(OAPI\) Project](#)
7. 1992 [UC Policy on Copyright Ownership](#)

VII. FREQUENTLY ASKED QUESTIONS

[UC Office of Scholarly Communication Open Access Policy FAQ](#)

VIII. REVISION HISTORY

University of California – Policy [Policy Number]
Open Access

N/A