University of California Open Access Policy FAQ

View the UC Open Access Policy (adopted July 24, 2013).

View the most recent HTML version of this FAQ.

This FAQ is designed to answer questions about the UC Open Access Policy. To learn more about open access generally, visit the Open Access pages on the Scholarly Publishing section of the site.

Contents

What are the terms of the UC Open Access Policy and what do I have to do?

The policy adopted by the Academic Senate reserves rights for the faculty to make their articles freely available to the public in an open access repository. It does this by granting a copyright license to the University that survives regardless of any later agreements authors may make with publishers.

The policy doesn't transfer copyright to UC or allow UC to sell the articles. It also doesn't prevent faculty from transferring copyright to publishers.

For any article covered by the policy, faculty should provide the author's final version (see information about versions in this FAQ) for inclusion in eScholarship, UC's open access repository. Faculty at UC Irvine, UCLA, UC Merced, UCSF, and UC Santa Barbara will be contacted via email to verify their articles within UC's new publication management system and to upload a copy or provide an open access link to their publications. Faculty at the other seven campuses will be able to use this system in 2015, and in the meantime should deposit their articles directly in eScholarship). Faculty at any campus can choose to deposit their articles in another OA repository and provide a link to the open version of their publication. If publishers require you to opt out of the policy in order to publish with them or if you wish to opt out of the policy for a particular article for another reason, you can do that on the waiver and embargo page. You can read the full text of the policy here.

When it's time to sign your publishing agreement…

You don't have to do anything different than you usually do, even if your publisher requires that you transfer copyright. If you haven't been asked for a waiver or embargo letter, you don't need one. If your publisher or editor explicitly requests that you produce a proof of waiver (opt out) or embargo (delay access to your article) because of your "institutional open access policy" you can generate a letter on the waiver and embargo page. You can also use the waiver and embargo page to opt out for other reasons.

What are waivers and embargoes?

An **embargo** delays public access to an article in eScholarship (UC's open access repository) until a chosen time period has elapsed after the article's publication. The author chooses to retain the rights reserved by the policy, but agrees not to exercise them until the embargo period has passed.

View a sample embargo letter.

A **waiver** opts out of the policy completely for a particular article. The author's rights are then limited to what is allowed by the publication agreement she or he signs with the publisher.

View a sample waiver letter.

Does my publisher know about the policy?

Almost certainly, even if your editor doesn't. UC has contacted nearly two hundred publishers to let them know what the UC policy says. Publishers who have objected to the policy have been requiring authors to opt out.

My publisher charges $_____ for open access. Do I have to pay that to comply with the policy?

No. The publisher charges those fees to fund open access publication of your article at the journal's website. The purpose of the UC OA Policy is to include a free open access option by archiving the author's version of the article in an open access repository like eScholarship. There is no fee associated with this archiving function. You can read more about these two different approaches to open access on the [Author-Archived Open Access](#) and[Publisher-Hosted Open Access](#) pages.

My publisher's policy says _____, which is different from our policy.

Publishers' policies will not, by default, represent the terms of institutional open access policies. You should read, and keep, any agreement you sign, but understand that the UC OA Policy is intended to preempt or augment these publisher default terms. This is true whether the publisher requires a copyright transfer or not. If your publisher isn't requiring you to opt out by getting a waiver, you are fully within your rights to take advantage of UC's policy.

My publisher didn't require me to get a waiver or embargo (delayed access) for my article. Now what?

Go through the publishing process like you normally would. When the article is published, if you are faculty at UC Irvine, UCLA, UC Merced, UCSF, or UC Santa Barbara you will be contacted via email to verify your publication within [UC's new publication management system](#). Faculty at other campuses, or faculty who do not want to wait for the system to email them, may immediately deposit [your own final version](#) – not the publisher's version

- UC Irvine, UCLA, UC Merced, UCSF, and UC Santa Barbara: [Use the publication management system](#)
- All other campuses: [deposit in eScholarship](#).

Who's covered by the policy?

The policy was adopted by the Academic Senate and thus covers Senate-represented faculty. Other UC authors like graduate students and postdocs are not covered, but if they have articles co-authored by Senate faculty, those articles are covered and they can encourage faculty to deposit them. If you aren't sure whether a position is considered Senate-represented faculty, you can check [this spreadsheet](#); the policy covers all positions highlighted in yellow. Efforts are also underway to create a presidential policy that would apply to more UC authors, including graduate student and non-faculty researchers, but that policy is still in draft stages.

Does this policy cover every article I've ever written?

No, it only covers scholarly articles for which a publication agreement was signed after July 24, 2013 (or May 21, 2012 for UCSF faculty). Whether and how you can post articles online that predate the policy depends on the terms of the publishing agreement you originally signed.

Do I have to get permission from my co-authors to comply with this policy?

No. Under US copyright law, any [joint author](#) can give nonexclusive permission to copy and distribute the work, so long as he or she shares profits with the other joint authors. Since the policy creates a nonexclusive license and no money changes hands, from a legal perspective UC authors can rely on the policy to post their articles without checking with their co-authors. However, best practices would include treating open access policy participation like other co-authorship issues – determining author order, reporting contributions, etc. – and, hence, discussing the issue among co-authors as part of the writing and publication process.

What kinds of writings are covered?

The policy applies to "scholarly articles." This refers to published research articles in the broadest sense of the term. Authors are best situated to understand what writings fit the category of "scholarly articles" within their discipline, and are welcome to rely on the policy for all articles they believe fall into this category and to [deposit them in eScholarship](#).

What's the easiest way to comply with the deposit requirement of the policy?

The Academic Senate's policy requires that faculty provide a copy of their scholarly articles for inclusion in eScholarship (UC's open access repository and publishing platform) or provide a link to an open version of their articles elsewhere.

- UC Irvine, UCLA, UC Merced, UCSF, and UC Santa Barbara faculty will be contacted via email to verify their articles within UC's new publication management system and to upload a copy or provide an open access link to their publications. Faculty can also log in to the system at any time by visiting [oapolicy.universityofcalifornia.edu](#)
- Faculty at the other campuses should, for the time being, [deposit](#) articles in [eScholarship](#). eScholarship has a streamlined submission process and will automatically populate article information if you provide a DOI or PMID. The publication management system (described above) will be available to all campuses by fall 2015.

What if my article is already openly available?

The policy requires articles to be made available in an open access repository. If your article is available for free at the publisher's website, or you've added it to a repository like [PubMed Central](#) or [SSRN](#), just **give us the link**. [Use the publication management system](#) if you're faculty at UC Irvine, UCLA, UC Merced, UCSF, or UC Santa Barbara; use the [deposit process on eScholarship](#) for other campuses. Social networking sites like Academia.edu and ResearchGate are not repositories and do not provide the same sorts of services, such as preservation and making sure your article is findable by Google Scholar, so depositing your article there does not fulfill the terms of the policy.

How do I know if I'm depositing the right version?

Use the latest version you have that hasn't been formatted by the publisher. If you used Microsoft Word to write the article, it will probably be a Word doc. If the version you're looking at has the look and feel of the journal and the publisher's copyright notice on it, it's probably the wrong version.

Does this policy allow commercial use of faculty articles by eScholarship end users?

Only if the author depositing the article chooses to allow commercial reuse when they deposit, and only for authors relying on the UC-wide policy, not the UCSF policy. The default for all deposited articles is the default under copyright law – all rights reserved, with exceptions for things like fair use and classroom display. Uploading authors may alternatively choose to grant eScholarship users additional reuse permissions by choosing a Creative Commons license for their article.

How will people find my article once it's openly available?

Most people find their way to articles in repositories via general internet searches or using tools like Google Scholar. Open access repositories like eScholarship include information about each item in a standardized way that is easily crawled and understood by search engines. This increases the likelihood the articles will not only be found by searches, but will also turn up higher in search results. Additionally, work is planned in the near future to include open access repositories, including eScholarship, in link-resolving tools like UC-eLinks and its equivalent at other institutions.

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

In some cases yes, and in some cases no — it depends on whether you had to sign an agreement to get access to the image you used. If you didn't, because the image is in the public domain or your use of it was fair use, then the work can be made publicly accessible with the image included. If you did sign an agreement, review the agreement to see if it allows broad use of the image as long as it is in the context of the article. If the terms of the agreement would not permit public access to the image in the context of the article, you have a few options:

- Contact the other party to the agreement to get permission;
- Get a different copy of the image from a different source with better terms, or depending on your discipline, see if there is a different image that will meet your needs;
- Deposit a version of the article that does not include the images so that readers can still read your argument/analysis; readers unfamiliar with the images who want to fully understand your arguments will need to get the version of record through other channels;
- Opt out of the policy for that article by visiting the waiver and addendum page.

If you need help determining what rights you have, contact us.

Have more questions? Send us an email.