

# University of California Open Access Policy FAQ

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

View the most recent a [HTML version](#) of this FAQ.

## 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.

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## How to Comply

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

By adopting the systemwide Open Access Policy on July 24, 2013, UC faculty members 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. Although the policy automatically grants UC a license to make any scholarly articles available in an open access repository, the institution will not do so until an author [deposits an article](#) in UC's [eScholarship repository](#) or confirms the availability of the article in another open access venue – i.e., an OA 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) began depositing articles in eScholarship on November 1, 2013. Progress on this pilot implementation will be reviewed during the 2014 calendar 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](#) immediately. The Policy applies to all scholarly articles authored by UC Faculty who signed a contract with their publisher after the date of adoption: July 24, 2013 (UCSF Policy adoption date: May 21, 2012).

The California Digital Library and campus libraries have developed a streamlined article submission system for eScholarship in order to ease the process of depositing articles. Additionally, we will soon roll out an automated "harvesting" tool that will collect information about faculty-authored articles, then send e-mails to faculty asking them to verify the article information, provide a copy if needed, and approve deposit into eScholarship. Implementation timeline follows:

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
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### **Do faculty need to notify publisher(s) about this policy?**

The UC libraries have already notified [nearly 200 publishers](#) about the policy and the license granted therein to UC to make articles openly accessible. If authors wish, they may also submit an addendum when signing the publisher's copyright agreement to remind publishers about the policy. Simply fill in the fields on the [Addendum request form](#) and send it to the publisher along with the publication agreement. **Please note:** the license to UC will have force whether or not an addendum is used.

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

The policy requires that the author submit the author's "final version," which usually means the manuscript copy after peer review but before a publisher formats it in the journal layout. In the case that the author is publishing in an open access journal, he or she can deposit or link to the published version.

## Scope of the Policy

### **Does this policy supersede 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.

### **What kinds of writings does this apply to?**

The Policy applies to "scholarly articles." This refers to 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. 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 add them to the repository.

### **Are Clinical faculty/Postdocs/Graduate students/undergraduates covered by this policy?**

As of August 2013, the policy covers only Academic Senate 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.

## Opting Out (Obtaining a Waiver)

### **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 public access to 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 direct the University to [waive the Policy for that article](#), and automatically receive a waiver letter verifying this choice. Faculty who opt out of the Policy 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.

### **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.

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

Faculty who opt out of the Policy 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.

## **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.

## **Publishing Impact**

### **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, 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.

### **Which publishers comply with this policy?**

There is a [very long list of publishers](#) that already allow so-called “green open access” with or without a university open access policy. In addition, [nearly 200 publishers have been notified about UC's policy since the faculty adopted it in August 2013](#), and very few appear to be requiring authors to opt out. Publishers who object to the policy have been notifying authors, either at the time of article submission or before article publication, that they must obtain a waiver. Authors can create a waiver letter to send to their publishers on the [waiver and embargo page](#).

### **What if my publisher requires me to wait before making my article publicly accessible?**

A handful of large publishers object to these policies and will demand that faculty members embargo (delay access to) in order to publish in their journal(s). 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. If a publisher requires written assurance that the embargo restriction will be met, the embargo option on the [UC Open Access Policy waiver and embargo](#) page 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 need not pay to publish articles or pay to deposit them in an open-

access repository under this policy, unless they decide that [the benefits of open access](#) are worth the cost charged by the publication venue they choose. 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.

### **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.

## Copyright and Legal Aspects

### **Publishers often require Faculty to transfer copyright before an article is published. Will Faculty be in compliance with the policy if they transfer copyright?**

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, which retains for Faculty the right to share the article publicly. The UC libraries [have notified nearly 200 publishers](#) about the policy, so most publishers are aware of it, although editors of individual journals may not be. Publisher who object to the policy have been requiring Faculty to waive the license by opting out of the policy for a particular article. If your publisher has asked you for a waiver, you can quickly create a letter to send them from the [waiver and embargo page](#).

### **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 covering the rest of the UC campuses does allow commercial re-use, but only if a faculty author chooses to allow it for that particular article. At the time of deposit, an author can select a Creative Commons license that opens up his or her article for further distribution, and potentially modification, and ensures that he or she will be given proper attribution. Authors need not choose any license. If no license is chosen, default copyright restrictions – all rights reserved, subject to exceptions like fair use – apply.

Here is a summary of the terms available to authors choosing 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 a scholarly article?**

Because there are many “commercial” uses that faculty want to encourage: re-use in a commercially produced course reader, print distribution in areas with poor internet access, 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.

### **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 copy of the image from a different source, 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](#).

## Learn more about Open Access

### **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 management 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 resources it will have 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 journals that charge subscriptions? Would there be a disproportionate impact on junior Faculty who have not yet been tenured?**

The Policy does not change the tenure and promotion process, nor does it 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 encouraged to publish in the best and most appropriate venues, whether they are open access or not.

Still have questions? [Contact us](#).