



OFFICE OF THE PROVOST AND EXECUTIVE VICE PRESIDENT

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

May 6, 2013

ROBERT L. POWELL
ACADEMIC COUNCIL CHAIR

Dear Bob,

I am writing in response to your April 11 letter on the Council's review of the UC Open Access (OA) policy and requesting a formal statement from UC administration regarding some aspects of the proposed OA policy. I am heartened by the Senate's engagement with this important issue and pleased to partner with you and your colleagues in moving this issue forward. For the sake of clarity, I will address each of the issues that you raise separately, below.

1. **Oversight.** I agree that the UC Open Access Policy will require joint oversight by faculty and the administration, due to the substantial role that UCOP will play in implementing the policy and managing its ongoing administration.

You have requested that UCOP adopt this as a Presidential policy which seems appropriate under Standing Order 100.4 of the By-Laws of the University (Duties of the President of the University) which states:

The President is authorized to develop and implement policies and procedures on matters pertaining to intellectual property, including patents, copyrights, trademarks, and tangible research products, and to execute documents necessary for the administration of intellectual property, including those which may contain commitments existing longer than seven years. The President annually shall report to the Board [of Regents] on matters pertaining to intellectual property.

A Delegation of Authority can be made from the President to the Provost. As the primary stakeholder in the Open Access Policy, the Academic Senate would be consulted, per the policy review process, before any changes could be made to the policy. I furthermore hereby formally agree that implementation of the policy and any future changes to the policy will be done only in consultation with the Academic Senate.

Development of a "Presidential Policy" can take several routes, once the Senate has a final policy to recommend. I would likely work with the Vice President for Research and Graduate Studies, the Vice Provost for Academic Personnel, and the Executive Director of California Digital Library in managing an appropriate review.

2. **Scope of the license grant.** The University of California has no intention of altering, selling, or otherwise using articles for which license has been granted. UCOP and the California Digital Library, as responsible stewards of the articles deposited in the eScholarship repository, will abide by the articulated wishes of the faculty via the Academic Senate to make the articles freely available in eScholarship. They will never sell the content of the repository; that would be contrary to the purpose of the repository.

3. **Improvement of deposit capabilities in eScholarship.** I recognize the importance of enhancing the eScholarship repository's article deposit mechanisms in support of the policy. From conversations with CDL staff, I understand that there are two complementary approaches for achieving this goal: a refinement of the current manual deposit workflow and the establishment of an automated harvesting tool. Both of these approaches need to be designed to minimize faculty time and effort in depositing articles, while still supporting significant levels of systemwide participation in the policy. For the current budget cycle (FY14), I am recommending the allocation of systemwide funds to support a 1-year implementation of a tool that can support robust and efficient deposit and harvesting into eScholarship. The implementation of this tool will begin with three campuses: UCSF (which already has an open access policy) and two other campuses to be determined. The system will be designed in consultation with the faculty on these three campuses and evaluated by faculty participants before being extended to all ten campuses. CDL will also continue to seek advice from UCOLASC as well as SLASIAC during this time. Funding for future years will be determined through normal UCOP budget procedures.

4. **Cost Allocation.** I understand the faculty's concerns about personally bearing the article processing costs (APCs) charged by some open access journals. Although the proposed UC Open Access Policy does not require faculty to publish in open access journals (as stated in the letter from Chris Kelty that you forwarded: "*the proposed policy does not require faculty or the university to pay any fees or charges to publish articles...* Faculty members are expected to continue to publish in the journals of their choice"), it may encourage authors to explore that option, which may in turn lead to more authors paying APCs. At this point, it is impossible to know what it would take to support all of the APCs that may be incurred by faculty systemwide; however, there are a few initiatives underway to help address the changing landscape.

The UC Libraries have long been committed to engaging with all aspects of scholarly communication, including the reform and reining-in of an increasingly economically unsustainable system. An Open Access Publishing fund was launched last year by the UC Libraries to assist authors in covering the cost of APCs levied by some open access publications. The outcomes of this pilot will be assessed, and the sustainability will be evaluated. In addition, the UC Libraries are currently working on an analysis of open access publishing charges that will help to determine what fees are reasonable by discipline. While no article accepted for publication should go unpublished solely due to an author's inability to pay the publication fee, the University cannot promise to cover all fees in every situation. UC librarians have been and will continue to be available to help authors find solutions should this circumstance arise. As you are aware, if a particular publisher will not accept the terms of UC's Open Access Policy, there may be room for compromise. Authors can negotiate an embargo period (before the article is made publicly available) or, if all else fails, authors can opt out of the policy. Assistance will be available at each campus library, and through the eScholarship team, to help individual authors.

It appears to me that the revised draft of the UC Open Access Policy has ably addressed the concerns that were raised during the review by faculty in the fall. I hope that, along with the revised Policy text and annotations, this letter will help allay faculty fears concerning implementation of the Policy.

Academic Council Chair Robert L. Powell

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Please let me know if you have any questions or further concerns.

Sincerely,

A handwritten signature in cursive script that reads "Aimée Dorr". The signature is written in black ink and is positioned above the printed name and title.

Aimée Dorr

Provost and Executive Vice President

cc: President Yudof
Vice President Beckwith
Vice Provost Carlson
Executive Director Farley