



Open Access

Responsible Officer:	Provost & EP – Academic Affairs
Responsible Office:	AP – Academic Personnel & Programs
Issuance Date:	10/23/2015
Effective Date:	10/23/2015
Scope:	This Policy applies to employees and students at the University of California campuses, the Lawrence Berkeley National Laboratory, the Division of Agriculture and Natural Resources, the UC Medical Centers, the Office of the President, and all auxiliary University locations not already covered by the Academic Senate Open Access Policy adopted 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 such policies, authors of scholarly articles can more easily and collectively reserve rights that might otherwise be signed away, often unnecessarily, in agreements with publishers. To accomplish this, authors take advantage of US copyright law to grant to the University a non-exclusive license (limited to the purpose of making the work openly available) for each scholarly article authored while employed by UC. The Academic Senate has already taken this step for all of its members by adopting an open access policy on July 24, 2013.

The policy in this document extends the same opportunity to all non-Senate members of the University of California community who author scholarly articles (defined herein as “University Authors”). The policy allows non-Senate authors of scholarly articles to maintain legal control over their research articles while making their work freely and widely available to the public. To achieve this, the policy commits University Authors to deposit a version of each scholarly article in a digital repository. The deposited work will be made freely and openly available to the public, unless the author obtains a waiver. The policy also takes the extra step of defining procedures that implement this policy uniformly for all University of California employees, including all Academic Senate members. Finally, it outlines procedures that should be followed if the Academic Senate changes its policy in ways that affect the congruence of the Senate policy with this Presidential policy.

II. DEFINITIONS

Academic Senate Authors: Authors of scholarly articles who are members of the systemwide Academic Senate. For a list of titles conferring membership in the Academic Senate, see [Regents Standing Order 105.1](#) and the [Academic Personnel Manual, Section 110-4\(4\) \(APM - 110-4, Academic Personnel Definitions\)](#).

Copyright: Rights as defined by US Copyright Law (Title 17 of the United States Code), and further specified by the 1992 [University of California Policy on Copyright Ownership](http://policy.ucop.edu/doc/2100003/CopyrightOwnership) (<http://policy.ucop.edu/doc/2100003/CopyrightOwnership>) or any amendments to that policy, or its successor.

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), students who are employed by UC, staff, and administrators who are paid a salary, stipend, or hourly rate, excluding those holding “Without Salary” appointments, volunteers, and recalls.

Executive Officers: The President of the University of California, the Provost and Executive Vice President for Academic Affairs, the Chancellors of the UC campuses, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture 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.

License or Copyright License: A grant of rights made in accordance with Copyright Law (USC Title 17), allowing specified uses of a copyrighted work.

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 articles for any lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet.

Open Access Repository: Any digital archive or platform designed to make articles freely available via the internet with clearly defined legal restrictions on their use or circulation. The California Digital Library’s eScholarship platform is the default repository for this policy.

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 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 academic, and graduate professional students.

University of California: The “University of California” refers to The Regents of the University of California.

University Authors: Non-Senate employees and students of the University of California who author scholarly articles while employed by the University of California. University Authors are covered by this policy whether or not they own the copyright in an article, in accordance with the 1992 [University of California Policy on Copyright Ownership](http://policy.ucop.edu/doc/2100003/CopyrightOwnership) (<http://policy.ucop.edu/doc/2100003/CopyrightOwnership>) or any amendments to that policy, or its successor.

Waive/Opt out: To waive or opt out, means to decline to grant the University the license described in section III.B.1 below. A waiver can be obtained from the University of California's Office of Scholarly Communication website, see [Get a Waiver, Embargo, or Addendum for your Publisher](http://osc.universityofcalifornia.edu/open-access-policy/waiver-embargo-addendum/) (<http://osc.universityofcalifornia.edu/open-access-policy/waiver-embargo-addendum/>).

III. POLICY TEXT

This policy does not apply to any 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 [UC Open Access Policy for the Academic Senate](http://uc-oa.info/policy-text), <http://uc-oa.info/policy-text>. Procedures to be followed if the Academic Senate changes its policy are outlined in Section IV.D below.

A. General

This 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 University Authors to deposit a version of each article in a digital repository. The deposited work will be made freely and openly available to the public, unless the author obtains a waiver.

This policy covers two classes of University Authors:

Section III.B. covers University Authors who *do own* the copyright to their works, as specified in the 1992 UC Copyright Policy or its successor. University Authors who own the copyright to their works may waive the license in B.1 below, or request an embargo as specified in sections V.B and V.C below.

Section III.C. covers University Authors who *do not own* the copyright to their works, as specified in the 1992 UC Copyright Policy or its successor. University 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)

This 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, University Authors are expected to help the University obtain copies of the articles. Specifically, each 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. University 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 1992 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. Upon request by the author, the University will grant an embargo period, as described in Section V.C below. Upon a showing of compelling circumstances, the University may grant a waiver, as described in Section V.B below. These authors must also deposit a copy of the final version of each article for inclusion in an open access repository, as described in Section B.3 above and Section V.A below.

IV. COMPLIANCE / RESPONSIBILITIES

A. Authority

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, waivers, embargos, and deposits. As the Provost's designee, the Vice Provost for Academic Personnel

and Programs 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 revisions to this policy upon recommendation by the Provost and Executive Vice President for Academic Affairs.

The Provost and Executive Vice President for Academic Affairs has the authority to initiate a review of the efficacy of this policy and to initiate revisions to this policy.

C. Compliance with the Policy

As the Provost and Executive Vice President for Academic Affairs' designee, the Vice Provost for Academic Personnel and Programs is responsible for the administration of this policy. S/he will work with the California Digital Library (CDL), UC Libraries and the Office of Scholarly Communication 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.

D. Coordination with the Academic Senate Open Access Policy

The Provost and Executive Vice President for Academic Affairs has the authority to determine the process to be followed in the event that the Academic Senate updates or changes its open access policy (adopted July 24, 2013) in ways that affect the congruence of the Senate policy with the Presidential policy.

V. PROCEDURES

In support of this policy and of the Open Access Policy adopted by the Academic Senate on July 24, 2013, the following procedures will be implemented to allow all authors (Senate, Non-Senate or otherwise) of scholarly articles at the University of California to make their works openly available.

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

All Academic Senate authors and all University Authors may make a final version of their articles publicly and freely available by depositing them in the University of California's "eScholarship" digital repository via [UC Open Access Policy](http://uc-oa.info/open-access-policy/) (<http://uc-oa.info/open-access-policy/>).

This policy commits all University Authors to deposit a final version of their articles in the UC eScholarship digital repository or another open access repository by the date of publication, to the extent practicable, even if they choose to waive the license grant to the University. Academic Senate authors will be encouraged to deposit articles in the UC eScholarship digital repository even if they choose to waive the license grant to the University. If any University Author or Academic Senate 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.

B. Generate a Waiver

By their own choosing or upon request from a publisher, all Academic Senate authors and University 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 University of California's Office of Scholarly Communication website: [Get a Waiver, Embargo, or Addendum for your Publisher](http://uc-oa.info/waiver-embargo-addendum) (<http://uc-oa.info/waiver-embargo-addendum>).

C. Specify an Embargo Period

By their own choosing or upon request from a publisher, all Academic Senate authors and University 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 Office of Scholarly Communication website: [Get a Waiver, Embargo, or Addendum for your Publisher](http://uc-oa.info/waiver-embargo-addendum) (<http://uc-oa.info/waiver-embargo-addendum>) or during the deposit process.

D. Choose a License

At the time of deposit, all Academic Senate authors and University Authors may choose whether to share their work under one of the available [Creative Commons](https://creativecommons.org/licenses/) (<https://creativecommons.org/licenses/>) licenses, some of which allow commercial reuse and some of which do not.

E. Obtain an Addendum

Although not necessary, all Academic Senate authors and University 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 Presidential Open Access Policy or the Academic Senate Open Access Policy. Addenda can be requested at [UC's Office of Scholarly Communication](http://osc.universityofcalifornia.edu/open-access-policy/waiver-embargo-addendum/) (<http://osc.universityofcalifornia.edu/open-access-policy/waiver-embargo-addendum/>) website.

VI. RELATED INFORMATION

- [UC Academic Senate Policy on Open Access](#), July 24, 2013
- [UCSF Open Access Policy](#)

- [2013 University of California Open Access Policy website](#)
- [FAQ and flowchart for the UC Academic Senate Policy on Open Access](#)
- [UC Policy on Information Technology Accessibility](#)
- [Open Access Policy Implementation \(OAPI\) Project](#)
- [UC Policy on Copyright Ownership \(1992\)](#)

VII. FREQUENTLY ASKED QUESTIONS

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

VIII. REVISION HISTORY

August 23, 2017: This Policy was remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0 and contact information was updated.