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ROBERT L. POWELL, CHAIR

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Academic Council
1111 Franklin Street, 12th Floor
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RE: Updated Open Access Policy for Final Expedited UC-wide Review

The updated proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. A detailed response has been received from the Committee on Faculty Welfare. Simultaneously the Academic Senate sponsored a web forum to gather comments and to respond to faculty questions and concerns at: http://academicsenate.ucdavis.edu/forums/index.cfm?forum_id=74.

The Davis Division supports the adoption of an Open Access policy in principle; however, there are still concerns regarding issues related to copyright, funding, faculty incentives, and possible burdens placed on individual faculty members. The updated policy does address some of faculty members' original concerns, but the Davis Division would like to see careful consideration given to several issues as described below before the policy is implemented.

Copyright Issues

- Main concerns/questions:
 - Will work be protected from being commercially used by members of the public?
 - Who will negotiate copyright issues with publishers who do not like this arrangement or to ensure that the UC gets its copy in the repository? There is concern about copyright issue negotiation falling upon individual faculty.
- Specific examples below:
 - I am currently publishing a book of my collected essays. Except for those not published before, the copyright for all the remaining ones belong to the journals that originally published them, not to me, and I have had to ask for permission to republish them. Thus, if I publish with these same journals in the future, they will hold copyright, not I, and I cannot assign them to the university. How can my essays be included?
 - I am pleased to see that the intention is not to change the venues that we publish in; if it did, that would be a deal-killer. But who is going to negotiate with all of the many journals that we publish in, to insure that UC gets its copy in the repository? Us? What about the journals for which I have to sign a statement, as part of the submission process, that I will transfer copyright IF the paper is accepted?
 - There remains the question of who negotiates with publishers who are unenthusiastic about this arrangement. Again, if I am expected to spend a lot of time negotiating with journals about allowing this license grant, I expect that I will decide that I have higher priorities for my time, and will again opt out. (I would suggest that if UC wants this policy to work, it should set up a system of centrally negotiating with major journals -- for instance, those published by scholarly societies and by the major academic publishers -- and make a central list available of those who have agreed.)

- The issue some of us are concerned about is not whether UC will make commercial use of the articles, but whether the license will allow any random person to take an article from the depository and use it commercially. Unless there is a license option that explicitly prohibits commercial use by all end users without explicit permission, I expect I will opt out.

Funding Issues

- Main concerns/questions:
 - Who will pay for the open access publishing costs? There is concern about the cost falling upon individual faculty members.
 - While this policy might work in reducing the costs of publication in some fields (e.g., medicine), it may have large and negative consequences in other fields. In many fields such as engineering and some disciplines in the physical sciences, humanities, and social sciences, non-profit professional organizations have covered the costs of publication through subscriptions paid by individual scholars and libraries. Although individuals pay lower rates than libraries, these professional organizations are not responsible for the current crisis because they do not charge university libraries exorbitant subscription rates. If individuals could acquire published work without paying a subscription then these professional organizations would have to make up that lost revenue. One approach is to ask the authors to pay for a significant portion of the cost of publishing their research. As open access gains acceptance a large fraction of the costs of publication could now shift from libraries to individual faculty members.
 - How would the new policy affect emeriti/ae, who no longer have grant funding for publication costs?
 - What about publications with multiple authors, including authors not affiliated with UC?
 - The policy supports supplementary material for some publications. Will it also be a requirement for Faculty to submit supplementary material, and if so would this also extend to supplementary data sets (data files, computer code etc.)?

Incentives for Faculty to Opt-In

- The policy is not forceful in encouraging faculty to use open-access journals or publication strategies – need more incentives for faculty to use this such as: use of the new UCOP tax on all extramural grants to defray costs for open-access publishing, specific benefits in merit and promotion actions for publishing or reviewing in open-access journals, and using overhead costs from extramural grants to cover publication fees in open-access journals.

While there is general support for the basic principle of providing access to the scholarship of UC to the public, the Davis Division finds that several issues remain that deserve further consideration before the policy is fully implemented.

Sincerely,



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