

UC Assembly Scholarly Work Copyright Rights Policy Frequently Asked Questions

At its May 10th meeting the Academic Assembly resolved to ask President Dynes to convene a working group to fine-tune and implement a revision to UC policy meant to maximize the dissemination and impact of UC faculty members' research and scholarship.

The [Scholarly Work Copyright Rights Policy](#) proposal draws upon the Academic Council's Special Committee on Scholarly Communication's (SCSC) white paper [The Case of Scholars' Management of their Copyright](#), one of [five companion papers](#) discussing UC and the academic community's responses to today's challenges and opportunities in scholarly communication. The proposed policy directly addresses the principal action called for in the white paper - that UC faculty manage their copyright in ways that ensure the widest dissemination of their work in service to education and research. The proposed policy accomplishes this by reaffirming each faculty member's ownership and management of copyright in their scholarship while adding to that tradition and current policy the routine transfer of a **specific, non-exclusive** license to the university to place a copy of articles from journals and conference proceedings in a publicly available online system, i.e. an "open access repository." A *non-exclusive* license to the University permits the University to preserve and make your work available but also allows you to transfer a separate and different (non-exclusive) license to someone else, for example, to a journal or book publisher.

To help the faculty understand and contribute to the policy, the SCSC provides the following answers to some frequently asked questions, written with the logic and analysis of the white paper in mind. SCSC expects that additions will be made to the document over time.

Q1. Does this policy reduce faculty rights?

No. The policy affirms and builds upon current the UC policy and academic tradition of faculty ownership of copyright in their scholarly work. It attempts to make it easier for authors to achieve maximum use and impact from their scholarship by transferring a specific, non-exclusive right, or license, to the University to make a copy of the article available in a publicly accessible online repository, such as UC's [eScholarship repository](#). And the policy allows for any faculty member to opt-out of this transfer should their particular publishing situation warrant it.

Q2. I believe publishers require me to give copyright to them in order to publish my work. Does the policy change that?

The policy takes advantage of the fact that copyright is a bundle of rights which need not be transferred *in toto* to a publisher, thereby avoiding the exclusive and restrictive publisher control often associated with such transfers (see the [UC Copyright Education web site](#) or the Office of Scholarly Communication's [Manage Your Intellectual Property site](#) for more information). It recognizes that publishers need only the specific right of first commercial publication to achieve their aims. And it encourages authors to retain and manage other use rights associated with their work, such as the right to use the work in educational settings or to create derivative works without requiring the publisher's permission.

Q3. Does this policy mean that the Regents will control UC scholarly work?

No. The regents will have only a specific, non-exclusive right to make a copy of the work available in an open access repository, such as UC's [eScholarship repository](#). The policy is written so that this right is a non-commercial right. That is, it cannot be exploited commercially by the university and is intended only to enable the university to assist in the widest distribution and the long-term management and preservation of UC research output that appears in journal articles and conference proceedings.

Q4. Will this policy affect my ability to sell commercially valuable ideas?

No. Current UC policy clearly separates copyright in scholarly publications from other intellectual property issues such as patents and trademarks, and copyright for such works as books, novels, and original art. You are encouraged to consult the UC Copyright Education web site for details (at <http://www.universityofcalifornia.edu/copyright/>).

Q5. Will this policy disadvantage junior or untenured faculty who are under pressure to publish in certain journals regardless of the copyright policies of the journal publisher?

No. The policy's opt-out provision allows UC authors to avoid the default transfer of an open access deposit right to the university if doing so would jeopardize their ability to publish with a particular journal. However, new highly prestigious journals and non-traditional publishing venues with liberal copyright policies are increasingly available (see a description at UC's Office of Scholarly Communication's web site http://osc.universityofcalifornia.edu/alternatives/submit_work.html). In addition, the SCSC whitepaper [Evaluation of Publications in Academic Personnel Processes](#) addresses the need to evaluate the quality of research appearing in all venues when the quality of the venue can be established along with the quality of the research.

Q6. I am in the habit of placing articles on my departmental/personal web site. Doesn't that suffice?

While that practice may help gain exposure to your research and is not excluded by the proposed copyright change, it has several potential weaknesses. First, without the explicit retention of the right, you may in fact be in violation of the agreement you signed with the publisher. Second, the indexing of well-known institutionally-supported sites is more reliable, ensuring that readers will find your material through Google and other search services. The library and publishing community is working to increase discovery, interoperability, and usage measures for open access repositories. Third, a university-managed repository such as eScholarship has long term preservation commitments built into its mission.

Q7. I have heard about disciplinary repositories, such as the NIH's PubMed Central and the Physics arXiv. How does the policy affect the potential for depositing my work in such places?

The policy in no way prevents you from using such services and, in principle, multiple copies of your work in multiple open access repositories will only further increase its availability and impact. In fact, through UC's Office of Scholarly Communication and its eScholarship initiative UC is already in a leadership position with regard to repository management and interoperability, pursuing ways to minimize faculty effort (e.g. by depositing their scholarship only once) and

maximize access to scholarly content (e.g. by seamlessly coordinating the indexing of multiple copies when they exist).

Q8. How will the process for depositing works, for opting-out of the policy, etc. work?

Most specifics are unknown at this writing. The Assembly Resolution requests that President Dynes convene a working group to finalize the policy language and design and propose an implementation path for the policy. But it is likely that the working group would draw upon existing UC experience and resources in this domain, including the [Systemwide Library and Scholarly Information Advisory Committee](#), the Office of the General Counsel, the [Office of Scholarly Communication](#) and its successful [eScholarship Repository](#), and the Assembly's own [Committee on the Library and Scholarly Communication](#).

Q9. Some research funders' policies allow a delay of some months before opening access to publications resulting from their funding, which allows publishers a window some feel they need to generate revenue based on their exclusive provision of access. Does the UC policy proposal require or allow a delay before publications are deposited or made available?

As endorsed by the Assembly, the policy proposal includes this possibility as an author-requested exception to the default position - "Faculty may opt out of this requirement for any specific work or invoke a specified delay before such work appears in an open-access repository." Specific policy language on this point is expected to be included in the efforts of the working group that the Assembly requested the President to appoint.

Q10. How can I be sure that placing my paper in a repository will actually make it more widely available?

A. Internationally agreed standards for repositories ensure that their contents are discoverable and interoperable. Metadata in a format compliant with the Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH) can be collected into databases of worldwide research which users can then search. Search engines like Google are already harvesting this descriptive data, indexing it, and making it available. Additional work is focusing on the efficient discovery of primary research data which is increasingly deposited along with publications.

Q11. Will the policy or the open access repositories protect me from plagiarism, or from someone altering my paper and using it in a way I disapprove of?

A. In general it is easier to detect simple plagiarism with electronic than with printed text by using search engines or other services to find identical texts. For more subtle forms of misuse, the difficulties of detection are no greater than with traditional journal articles. Indeed, metadata tagging, including new ways of tracking the provenance of electronic data and text, promise to make it easier.

Q12. Are there other things I should be thinking about or discussing to better understand my own and UC's options to contribute to the healthy evolution of scholarly communication?

Yes. Read the [SCSC white papers](#) and discuss the proposed principles and actions recommended there and at the Office of Scholarly Communication's [Reshaping Scholarly Communication](#) web site.