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Open Access at the University of California

Why have an open access policy?

- The *goal* of having an OA policy is for **authors** to *systematically* reserve the minimum rights necessary to control their publications.
- Scholarly publishers do not always act in our interests—sometimes they act against them—and we may want to exercise those rights ourselves, now or in the future.

Why have an open access policy?

- The *benefit* (not the primary goal) of the policy is it that it allows us to make our work **openly and freely available online and in perpetuity.**

Why have an open access policy?

- The *mechanism* of reserving these rights is to use the power of collective faculty governance to grant non-exclusive rights to our employer, under the restriction that they make the work available (ergo, to us and to the world).
- The *mechanism* for making work open access depends on the library, the administration and the skilled staff who can work to create repositories or assist faculty in getting work online.

Some Key moments in UC's experience

- **2005-6:** Round 1
 - An initial whitepaper and task force convened to write a policy
- **2007:** Review of the policy
 - Rejected because it contained too complicated an opt-out system.
- **2008:** Harvard passes policy with simple no-questions asked opt-out clause.

Some Key moments in UC's experience

- **2009-2012:** Dispute with Nature Publication Group over a 300% increase in license fees
- **2011-2013:** New OA policy proposal, review
- Policy adopted **July 24, 2013**
- **Currently:** System-wide, *non-senate* policy under review.

(one hopes)

Questions answered

Opt in or Opt out?

- There is no such thing as an opt-in policy
 - Equivalent to the *status quo*
 - *Before an OA policy*: each author can “opt-in” to open access by negotiating with a publisher to retain rights (which rarely works)
- **OA Policies *Change the Default***
 - *After an OA policy*: publishers must negotiate with authors to opt out or waive the rights that have been reserved.

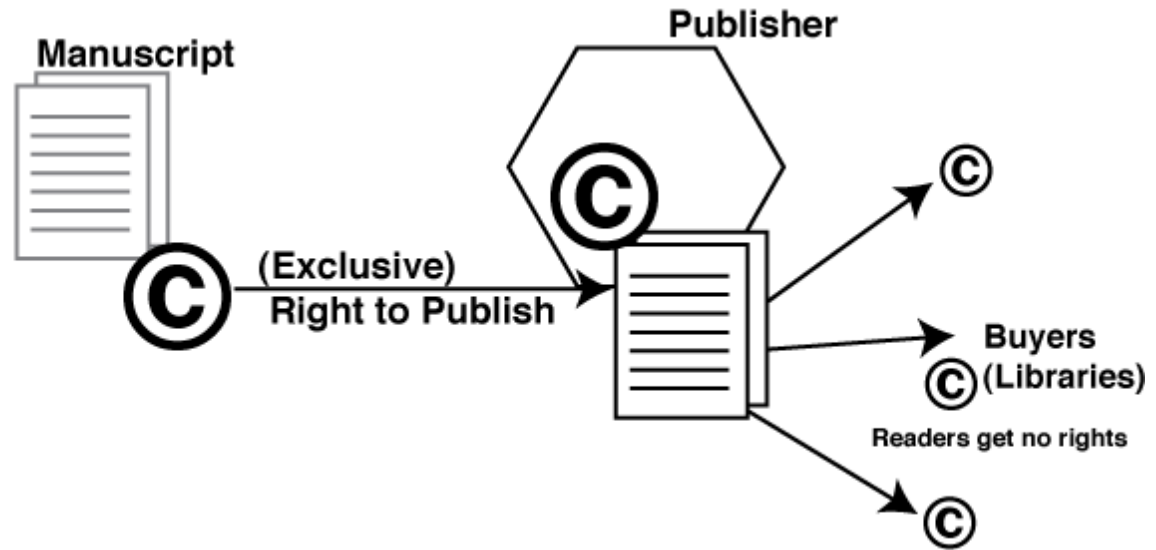
Why have an opt-out at all?

- Doesn't this give publishers the power to force faculty to opt out?
 - YES. But a policy that forced all faculty to make work OA would be draconian, and violate academic freedom.
 - OA policies must balance academic freedom with public interest in order to work.
 - In reality, 95% of publishers embrace Green OA already.

The License Grant & Default License

(Or, the maddening complexity of copyright law)

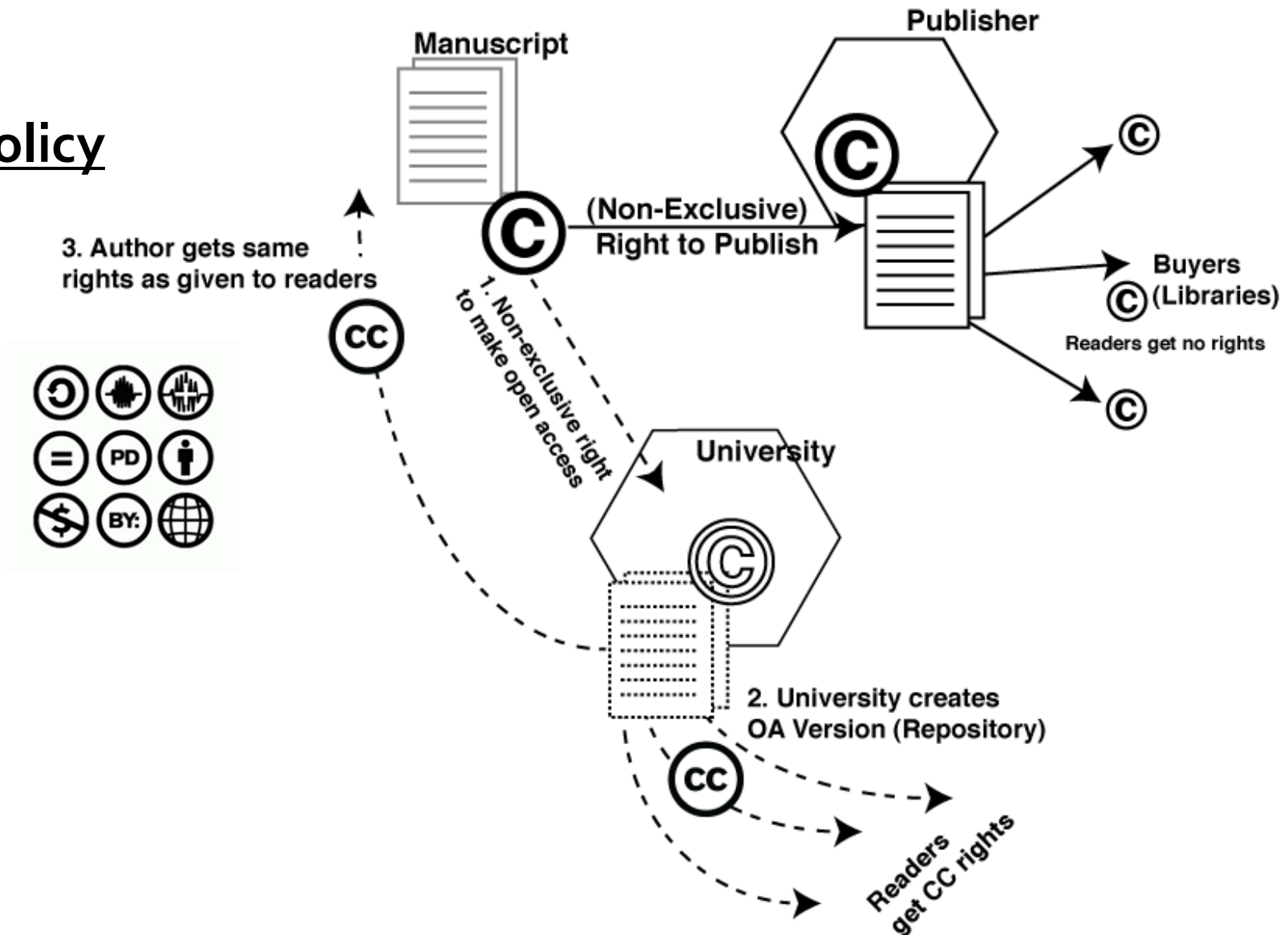
Without
OA Policy



The License Grant & Default License

(Or, the maddening complexity of copyright law)

With OA Policy



What is a “Scholarly Article”?

- “Strategically vague”
 - Tightening the policy language excludes groups.
 - “Peer reviewed scholarly articles”
 - Law-reviews? Commissioned pieces?
 - “Scholarly Journal Articles”
 - Edited Volumes?
 - Etc.
- Books, and “non-scholarly” works clearly excluded—but decision is up to the author.
 - Book reviews, book review articles, review articles?
Definition of scholarly differs by discipline.

Deposit Requirements and Compliance

- Why require deposit?
 - Makes a commitment to OA into a promise to make it really happen.
- Why oppose it?
 - Makes work for faculty; need to be assurances that libraries and staff can help.
- Why require it even in the case of opt-out/waiver?
 - Because it preserves an archival copy
 - Because it signals to publishers that we reserve the right to keep and circulate copies inside the university.

eScholarship and Other Repositories

- There are many different solutions or OA, and many faculty have already committed to one or another
 - Pubmed Central, ArXiv, SSRN, OA journals etc.
- Limit the requirement to “double deposit”
 - Allow library to vacuum up already-OA versions, if necessary.

Co-Authorship

- USC 17 §201
 - (a) Initial Ownership.— Copyright in a work protected under this title vests initially in the author or authors of the work. ***The authors of a joint work are co-owners of copyright in the work.***

Dealing with Publishers

- The California Digital Library
 - Negotiates contracts
 - Alerts publishers about OA
 - Runs eScholarship, responds to queries, requests, takedowns.
- Arguing for the funding necessary to enable the library is an important part of passing an OA policy.



Waiver Rates, Statistics, and Damned Lies

- Waiver rate: <5%
 - (*Nature, Science* primarily)
- Deposit rate: ??? (12-25%?)
- Publication rate: ??? (about 50K articles per year)

Small Scholarly Societies and Climate Change.

- **Good news:** libraries love scholarly societies and will prefer subscriptions to their publications over expensive large publishers any day.
- **Bad news:** There's no money left in scholarly publishing.
 - Big players are dominating, and buying up small society publications
 - Societies are not looking for other sources of revenue.

More questions?

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