



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
Richard A. Schneider, Chair
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Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

25 April 2018

Re: Declaration of Rights and Principles to Transform Scholarly Communication

Dear Colleagues,

On behalf of the University Committee on Library and Scholarly Communication (UCOLASC), we are writing to report that UCOLASC has strongly and unanimously endorsed (12-0) a set of 18 principles that we propose be taken into account when the University of California engages in its upcoming and future journal license negotiations with commercial publishers. These principles were developed by UCOLASC during the course of the year with input from various stakeholders across the University and at other like-minded academic institutions.

As described in the enclosed cover letter, UCOLASC firmly believes that if adopted, these principles have great potential to transform the system of scholarly communication from one that remains closed and unaffordable, to one that is more open, fair, transparent, and sustainable. We believe that these principles support the mission of UC to serve the public good by *“providing long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge.”*

UCOLASC devised and endorsed these 18 principles 1) to signal our collective commitment to advance the public mission of UC; 2) to accelerate our ongoing effort to make the products of UC research and scholarship as freely and widely available as possible through open access; and 3) to leverage faculty backing to ensure that UC spends taxpayer money in the most ethically, morally, and socially-responsible way when entering into agreements with publishers.

In closing, while publishers continue to go to great lengths to restrict the rights and academic freedom of authors, we believe that this proposal can help restore the balance of power and give faculty more control over the fruits of their labor. Based on these principles, our expectation is that UC will push for terms and conditions in publisher agreements that are transformative and closely aligned with our short- and long-term goals for scholarly communication.

Sincerely,

Richard A. Schneider, **Chair**

Dennis Ventry, **Vice Chair**

Geoffrey Koziol, **UC Berkeley**
Kathryn Olmsted, **UC Davis**
Amelia Regan, **UC Irvine**
Eric Sobel, **UC Los Angeles**
Karl Ryavec, **UC Merced**
Jiayu Liao, **UC Riverside**
Eric Bakovic, **UC San Diego**
Diana Laird, **UC San Francisco**
John Du Bois, **UC Santa Barbara**
Jennifer Horne, **UC Santa Cruz**



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION
Assembly of the Academic Senate, University of California

13 April 2018

Dear Colleagues,

For well over a decade the University of California has been deeply engaged in leading the effort to transform scholarly communication from a closed subscription-based publishing system to one where our work can be freely accessible to all. In 2005, UC Santa Cruz faculty passed a resolution supporting open access (OA), which prompted a proposed UC systemwide policy in [2007](#). Although these initial efforts did not garner enough backing, they laid the groundwork for other institutions to follow suit and formed the basis of subsequent OA policies at UC San Francisco in [2012](#), the systemwide Academic Senate in [2013](#), and the UC Office of the President in [2015](#). Because of these policies, UC authors can now make the 50,000 articles they publish every year immediately accessible in our UC institutional [OA repository](#). Doing so is one step toward advancing our [mission](#) of disseminating our scholarship as widely as possible and making our many research outputs freely available to everyone, especially to the taxpayers who underwrite our academic enterprise.

Despite our longstanding commitment to OA, the publishing system has yet to transform into one that is truly open and economically sustainable. In fact, less than [15%](#) of peer-reviewed articles are published in journals that are fully OA, the vast majority of work resides behind a subscription paywall, and commercial publishers continue to extract billions of dollars annually out of the current system with [profit margins](#) among the greatest of any industry. Meanwhile, our library budgets keep shrinking and we cannot afford the exorbitant price increases that publishers relentlessly levy. UC spends over \$34 million per year for shared access to scholarly journals. Our actual payment is at least \$17 million higher if we include separate campus licenses, personal subscriptions, article processing charges (APCs), page charges, and pay-per-view downloads. *Yet even if we had unlimited budgets and could bear all of the expenses imposed by profiteering publishers, there would still remain compelling reasons to transform the current system of scholarly communication.*

Historically our main focus when licensing journals and other resources has been to contain rising costs, expand our portfolio of online materials, and fight restrictive terms. But now we find ourselves trapped in paying to sustain a broken system that we have been outspokenly trying to change. With this in mind, our [faculty](#), our [librarians](#), and our [administrators](#) have begun to speak with one voice and insist that we as an institution put our money where our mouth is. We want UC expenditures to be congruent with our broader and longer-term OA objectives, and be aimed at upending the status quo. Since our salaries and our subscription budgets come directly from state funds, we feel we have a duty to set clear terms and conditions that ensure such taxpayer money gets spent in the most ethically, morally, and socially-responsible way, and expressly for the greater good.

To this end, we as faculty representatives of our University, assert the rights of authors and affiliated stakeholders—who labor to produce works of knowledge and art of value to society—to own, control, and freely disseminate for the benefit of the public, the products of their efforts, including publications, data, metadata, and related research outputs. Backed by faculty resolve, we propose the following 18 principles to make scholarly communication more open, fair, transparent, and sustainable when applied as levers by UC during license negotiations with journal publishers.

Sincerely,

Richard A. Schneider
Chair, UCOLASC

**DECLARATION OF RIGHTS AND PRINCIPLES TO TRANSFORM SCHOLARLY COMMUNICATION**

To align our institutional policies and practices toward the goal of replacing subscription-based publishing with open access (OA), we propose that the University of California assert the following rights and principles when negotiating with publishers during journal license renewals:

1. **No copyright transfers.** Our authors shall be allowed to retain copyright in their work and grant a Creative Commons Attribution license of their choosing.
2. **No restrictions on preprints.** Our authors shall have the right to submit for publication work they have previously made available as preprints.
3. **No waivers of OA Policy.** Publishers shall not require our authors to provide waivers of our Institutional OA Policy as a condition for publishing our work.
4. **No delays to sharing.** Publishers shall make work by our authors immediately available for harvest or via automatic deposit into our Institutional OA repository or another public archive.
5. **No limitations on author reuse.** Our authors shall have the right to reuse figures, tables, data, and text from their published work without permission or payment.
6. **No impediments to rights reversion.** Publishers shall provide a simple process for our authors to regain copyright in their previously published work.
7. **No curtailment of copyright exceptions.** Licenses shall not restrict, and should instead expressly protect, the rights of authors, institutions, and the public to reuse excerpts of published work consistent with legal exceptions and limitations on copyright such as fair use.
8. **No barriers to data availability.** Our authors shall have the right to make all of their data, figures, and other supporting materials from their published work publicly available.
9. **No constraints on content mining.** Publishers shall make licensed materials open, accessible, and machine-readable for text and data mining by our researchers, at no additional cost and under terms that allow retention and reuse of results.
10. **No closed metadata.** Publishers shall make bibliographic records, usage metrics, and citation data for our authors freely available, easy to parse, and machine-readable.
11. **No free labor.** Publishers shall provide our Institution with data on peer review and editorial contributions by our authors in support of journals, and such contributions shall be taken into account when determining the cost of our subscriptions or OA fees for our authors.
12. **No long-term subscriptions.** Publishers shall provide our Institution with plans and timelines for transitioning their subscription journals to OA.
13. **No permanent paywalls.** Our Institution shall receive perpetual access for previously licensed content and back files shall be made freely available once a journal transitions to OA.
14. **No double payments.** Publishers shall provide our Institution with data on hybrid OA payments from our authors and such payments shall reduce the cost of our subscriptions.
15. **No hidden profits.** Publishers shall use transparent pricing for the services they provide our authors when levying article processing charges and other fees associated with publishing.
16. **No deals without OA offsets.** Our Institution shall only enter into publishing agreements that include offsets for OA publishing by our authors.
17. **No new paywalls for our work.** Work by our authors shall be made OA on the publisher's website as part of subscription terms for new journals.
18. **No non-disclosure agreements.** Publisher agreements with our Institution shall be transparent and shall not contain terms that prevent the sharing of their contents.