



UNIVERSITY
OF
CALIFORNIA

Academic Senate

Office of the President
1111 Franklin Street
Oakland, CA 94607

senate.universityofcalifornia.edu

UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY
COMMUNICATIONS (UCOLASC)

Abraham Stone
abestone@ucsc.edu

June 12, 2026

CAMPUSES

Berkeley
Davis
Irvine
UCLA
Merced
Riverside
San Diego
San Francisco
Santa Barbara
Santa Cruz

MEDICAL CENTERS

Davis
Irvine
UCLA
San Diego
San Francisco

NATIONAL LABORATORIES

Lawrence Berkeley
Lawrence Livermore
Los Alamos

Ahmet Palazoglu, Chair, Academic Council
Susannah Scott, Vice Chair, Academic Council

Dear Ahmet and Susannah,

The University Committee on Library and Scholarly Communication (UCOLASC) appreciates the opportunity to review the report issued by the Academic Senate Workgroup on Artificial Intelligence (AI). We applaud our colleagues' dedication to tackling a complex, rapidly shifting technological landscape that touches every facet of the University of California's mission.

We have several specific comments on the contents of the report, but, before entering into those, we want to emphasize a general point. As the comments below demonstrate, issues involving AI touch on many central functions of the Library and aspects of scholarly communication and, in consequence, on many central areas of our committee's remit. In these areas, moreover, the Library and faculty on our committee have important subject-matter expertise. **We urge that any future systemwide discussions of AI involve direct representation of the Library and of UCOLASC.** The lack of such representation in the present instance has resulted in a report which, while excellent overall, is also flawed in some respects.

Our more specific comments are as follows:

1. Use of academic data for AI training

There are, first of all, many kinds of “data.” The report acknowledges: “a key starting point for addressing data stewardship is applying the taxonomy and then identifying who, what, or whether anyone owns the data at issue” (page 15), but goes on to discuss data stewardship in very general terms, without linking its statements to clearly differentiated data types. In addition, the taxonomy proposed omits the published literature—specifically journal articles and monographs—as a core category of scholarly output, while at the same time making statements that seem to implicate journal articles in particular.

For any follow-on efforts, UCOLASC strongly recommends a deliberate, systematic effort to define all applicable content types of concern and an analysis that situates these distinct content types within their specific legal and policy contexts. The Library has substantial expertise in the area, and, indeed, the California Digital Library (CDL) has been developing a framework to facilitate just such a taxonomy as is here suggested.

Beyond these general observations, UCOLASC wishes to provide an essential perspective on a specific concern pertaining to scholarly publishing raised on page 18:

[W]e are concerned that the university’s commitment to open access regarding research results is in tension with the ability of private companies to mine such research for gain and not necessarily for the public good.

We agree that faculty harbor profound and legitimate concerns regarding the sweeping impacts of artificial intelligence at virtually every level of their professional lives and across the university’s broader mission. UCOLASC members deeply share these concerns. However, we believe it is vital that Academic Senate analysis be clear that open access is not the root cause of these issues, and that the Academic Senate’s longstanding leadership on open access and commitment to broad public availability of UC research outputs continue undiminished. (For an abbreviated history of key Academic Senate actions, declarations, and statements in this regard, please consult Appendix A.)

The critique cited above presupposes that some alternative to full open access publishing—either via traditional closed (i.e., subscription-based) publishing or via a restrictive open access license—might effectively shield scholarly work from being mined for AI training. This, however, is

simply not the case in the current legal, contractual, and technological environment. In particular, Creative Commons has investigated creating licenses that would prohibit AI training, but abandoned this approach after concluding that such a license would be unenforceable. (A complete analysis of the intersection of publishing choices and AI presented to UCOLASC by CDL is available in Appendix B.) Both open and closed articles, then, become available for AI training. But open access maximizes authors' control and rights retention, expands global impact, and actively minimizes commercial exploitation through several critical distinctions:

- a. **Copyright:** Open access enables authors to retain copyright in their work rather than transferring exclusive ownership of those copyrights to commercial publishers.
- b. **The Public Good:** Open access ensures that university research remains a public good, contributing high-quality, factual information to the public sphere as a vital counterweight to AI misinformation.
- c. **Return on Investment:** Open access provides taxpayers, who directly support faculty through FTEs and invest in research through extramural grants, with free access to scholarly work.
- d. **Financial Stewardship:** Open access guarantees UC will never have to pay commercial vendors more than once to access the scholarly literature or to allow faculty to use such literature for research, and prevents non-UC researchers and institutions from having to make such payments.
- e. **Federal Compliance:** Open access is the most direct path to compliance with federal public-access mandates, while a closed publication often ensnares authors in contradictory publisher policies.

In summary, open access is the only known pathway for researchers to retain autonomous decision-making and agency for their own ambitions, as well as the ambitions of their colleagues, to utilize computational research. A shift away from open access to a closed model does not prevent commercial AI training; rather, such a shift entirely abdicates academic control. Copyright would then be transferred entirely to commercial publishers, creating a lucrative marketplace where publishers package and resell faculty content to private industry for AI training. In this scenario, the commercial publisher becomes the financial beneficiary and sole gatekeeper for the uses of critical new technology and research methodology. In stark contrast, open access publishing with the most liberal licensing (i.e., no restrictions on commercial or derivative re-use) thwarts the ability of publishers to perpetually monetize the fruits of free faculty labor.

In addition, all Creative Commons licenses, which are used for open access publishing, including those with non-commercial restrictions, operate within a framework of copyright that includes fair use. That means that if fair use is applicable, the license itself is irrelevant to begin with. Authors need to be aware that commercial AI training has been found to be fair use in at least [one prominent court case](#) (Bartz vs Anthropic).

Even while many authors, including UCOLASC members, admittedly wish the situation were different, there is no known technological or licensing pathway to withhold a published article from AI training once it enters the public or commercial stream. Commercial AI training is not a meaningful differentiator between open or closed modes of publishing. The only way to prevent AI training on published work is to stop publishing, but for obvious reasons, that is not a realistic option. However, the benefits of open access publishing enumerated above are a compelling differentiator and represent why UC has been a global leader in the open access movement for more than 20 years.

In this situation, therefore, UCOLASC wishes to reaffirm our strong commitment to full and unrestricted open access publishing. We believe that open access publishing, open access policies, and open access licensing continue to serve the best interests of the faculty, and we do not believe that general concerns regarding AI should be allowed to cloud our strategic view of UC's values and long-standing objectives. Retreating from our commitment to open access and the transformation of scholarly communication will do nothing to stop commercial AI mining, but it will cause immediate harm to our authors' self-interest and to the impact of the university in the public sphere.

We hope Academic Council will join us in supporting a stance on AI that is informed by both a rigorous analysis of what should be done based on UC's mission as a public institution, and a thorough understanding of the legal and policy context that dictates what can actually be accomplished to address faculty concern. We look forward to future shared work on this issue that ensures UC remains a beacon of trusted research readily available to the globe and a leader in the adoption of new research methodologies, while forcefully pushing back against further commercialization of research as well as commercial control over vital research tools.

2. Computational access to licensed content

The report speaks at length about the use of UC scholarship as input for AI systems. It says much less about the converse problem: whether UC scholars will be able to use materials to which the University has lawful

access as inputs for their own computational research. UCOLASC believes that this omission should be corrected in any subsequent Senate or University work on AI.

This is not a speculative issue. Publishers are already seeking to control text and data mining, AI training, machine learning, and related computational uses through license terms and terms of service. If such restrictions are accepted, UC researchers may find that content purchased for them by the University cannot be used with the research methods increasingly central to many fields. In effect, computational use of the scholarly literature would become a separate publisher-controlled product.

UCOLASC has already taken a position on this matter in the [Academic Council Statement on the University Libraries' Negotiations with Publishers Regarding Fair Use, Text and Data Mining, and Artificial Intelligence Usage Rights](#). We reaffirm that position here. UC should insist that scholars may use lawfully accessed materials for fair use, text and data mining, AI, machine learning, and other computational research methods. A systemwide AI policy that fails to address this issue would leave out one of the central ways in which AI affects scholarly communication.

3. AI literacy training

UCOLASC supports the report's recommendation that the University attend to AI literacy, but the report's discussion should be expanded. The need is not only for student instruction. Faculty, graduate students, researchers, staff, librarians, and administrators will all need forms of AI education, and those forms will not be identical.

Libraries are already involved in this work and will almost certainly be asked to do more. Their contribution is not limited to teaching people how to use particular tools. Libraries bring expertise in copyright and fair use, licensing, information evaluation, metadata, privacy, data stewardship, publishing economics, open access, and the practical consequences of publisher contracts. If libraries are expected to provide AI-related instruction, however, they must be given the resources to do so. UCOLASC also recommends coordination between libraries and campus teaching-and-learning centers or other units responsible for faculty, graduate-student, and student training. AI literacy should not develop in disconnected campus silos. It should be a coordinated effort in which library expertise is built in from the start.

4. Protection of unpublished material and research data

UCOLASC agrees that unpublished material and research data require serious attention, but, as we have already pointed out above, the report's treatment of "data" is too undifferentiated. There is not one thing called data. Published articles, research datasets, draft manuscripts, peer-review files, archival material, student records, patient records, administrative records, licensed content, and metadata all raise different questions. Future work should begin by identifying the type of material at issue and then asking what legal, contractual, ethical, disciplinary, and policy rules govern that material.

The report should also be more careful about the framing of data "ownership." Faculty do not, generally speaking, own research data in the way they own copyright in their scholarly writings. At UC, research data is typically owned by the Regents and many of our researchers also have to comply with strict public access data requirements set by extramural funders. Nor is raw data generally copyrightable in the way a scholarly article is. These distinctions matter and are overlooked in the report. A policy that treats data as a single category is likely to misdescribe both the risks and the available solutions.

With respect to research data, UCOLASC reaffirms UC's commitment to responsible public access, data sharing, deposit, documentation, metadata quality, and reproducibility. AI-related concerns should not become a reason to retreat from those commitments. At the same time, access must be governed by appropriate attention to confidentiality, provenance, consent, contractual and funder obligations, and the conditions under which data may be reused.

Unpublished scholarly work raises a different problem. Faculty and students may place drafts, review materials, grant materials, or personnel materials into University-provided or University-required systems. UC should ensure that contracts for such systems protect unpublished work against unauthorized AI training or reuse, especially when use of the system is required for ordinary academic activity. Similar care is needed for archival and special collections materials: libraries have a public mission to make materials available, but AI changes the scale and possible consequences of access, aggregation, and reuse. These questions require library and archival expertise, not a generic appeal to data protection.

5. Use of AI tools in evaluating the impact of faculty research

UCOLASC is especially concerned about an issue not raised in the report: the possibility that AI tools will be used to evaluate the impact of

scholarly work, for example in hiring, promotion, or graduate admissions. We fully expect, for one thing, that academic publishers will offer such tools commercially in the near future, if indeed they have not already. In our view, however, this is not a proper use of AI technology as it now exists. Generative AI tools are not objective, reliable, and transparent: on the contrary, they are unpredictable, opaque, and subject to unknown biases. At the same time, they lack the features that help keep human peer assessment fair and accurate. They cannot enter into human relationships of long-term mutual accountability, and they do not share any common interest in strengthening and maintaining a department or a field of study. UCOLASC urges that all evaluation of scholarly impact remain in the hands of human peers for the foreseeable future.

Sincerely,



Abraham Stone
Chair, UCOLASC

Déborah Blocker
Vice Chair, UCOLASC

Jennifer LaFleur, Berkeley
John Roberts, Berkeley
Michael Foster, Davis
Nícola Ulibarrí, Irvine
Alan Fiske, Los Angeles
Christopher Ojeda, Merced
Sholeh Quinn, Merced
Joseph Genereux, Riverside
Sebastian Salegh, San Diego
Michael Oldham, San Francisco
Teresa Shewry, Santa Barbara
Michael Hance, Santa Cruz

Richard A. Schneider
Past Chair, UCOLASC

Appendix A: Select history of UC Academic Senate open access leadership

1. [UC Systemwide Academic Senate Open Access Policy \(2013\)](#) This foundational Academic Senate policy established the faculty's long-standing commitment to public knowledge dissemination by granting the University of California a non-exclusive, irrevocable license to make their scholarly articles freely accessible to the public while allowing authors to retain copyright control.
2. [UCOLASC Declaration of Rights and Principles to Transform Scholarly Communication \(2018\)](#) This landmark declaration, endorsed by Academic Council in 2019, establishes a set of core faculty-led principles designed to leverage UC's negotiating power against traditional journal paywalls, directly paving the way for the UC Libraries to secure sustainable, transparent, and immediate open-access agreements with commercial publishers.
3. [Academic Council Statement on the University's Negotiations with Elsevier \(2019\)](#) Bearing the signatures of the Academic Council leadership—representing the chairs of all campus divisions and systemwide Senate committees—this historic statement unanimously supported UC's decision to break off negotiations with Elsevier to defend the principle of making all UC research fully open access and financially sustainable.
4. [UCOLASC Statement on Retention of Author Rights \(2023\)](#) Originating as a UCOLASC statement that received Academic Council endorsement, this statement asks UC's negotiation team to protect faculty rights against misleading publisher contracts and recommends an open publication with a CC-BY license. The statement was also formally endorsed by the UC President and Provost.
5. [Academic Council Statement on the University Libraries' Negotiations with Publishers Regarding Fair Use, Text and Data Mining, and Artificial Intelligence Usage Rights \(2024\)](#) Developed by UCOLASC and unanimously endorsed by the Academic Senate, this statement vigorously defends scholars' fair use rights to conduct text and data mining and train artificial intelligence tools without publisher restrictions. The statement was also formally endorsed by the UC President and Provost.
6. [UCOLASC Statement on 100% Open Access and Funder Compliance \(November 13, 2025\)](#) This statement reinforces the Senate's ongoing open access strategy by urging UC to secure publisher contracts that position open access publishing and Creative Commons Attribution (CC

BY) licenses as the standard default for all UC authors, facilitating seamless compliance with zero-embargo federal public access mandates.

Appendix B: Excerpt from “Implementing the UC and AI agency framework for scholarly articles” (presented to UCOLASC by CDL AVP/ED Waibel, May 15 2026)

Content Type: Scholarly articles

The fact-finding rubric translates as follows to the space of scholarly articles: UC stakeholder ambitions as a user of computational methodologies (captured as “Enabling academic AI”) and as a creator and steward of potential training data (captured as “Withholding from commercial AI,” “Federal compliance” and “Revenue generation”) interact with choices UC authors are making for their publications (closed, various permutations of open). (Note: VoR = Version of Record or the final published article; AAM = author’s accepted manuscript, a post-peer review version of the article without final formatting and editing by the publisher.)

A. FACT-FINDING

[....]

Choice \ Ambition	Closed	Open		
		Gold CC-BY VoR	Gold CC-BY-NC(-ND) VoR	Green Rep. Deposit AAM
Enabling academic AI	No	Yes	Yes	Yes
Withholding from commercial AI	No	No	No 	No
Federal compliance	Maybe	Yes	Yes	Yes
Revenue generation	No	No	No	No

Table 1: Interactions of Choice and Ambition

The following further illuminates the interactions of choices and ambitions.

- **Enabling academic AI:** Whether UC can create (and contribute to) a training corpus for academic research based on the work of its own authors depends on author choice.
 - Open Publication
 - * Any form of an open publication enables academic AI training.
 - Closed Publication
 - * A closed publication, if accompanied by a copyright transfer (as such publication often is), turns AI training into a publisher product. The publisher can license an article to tech companies or the academy, creating the opportunity for new revenue from (i.e., direct

costs to) universities, including direct revenue from researchers.

- * Closed publications require a library subscription for access. Publishers increasingly attempt to insert AI/TDM terms into library contracts, prohibiting subscribers from using the material for computational research methodologies unless additional agreements and payments are being made.
 - * In many other jurisdictions (including the EU) academic institutions have a statutory right to use copyrighted material for computational research without getting the copyright owner's permission and, in some cases, despite contract terms that purport to restrict such use. As a result, publisher actions are de-facto creating geographically differentiated rights for researchers that are disadvantageous to US-based research.
- **Withholding from commercial AI:** At present, there is no known set of author choices that would definitively allow a UC author to withhold their article from commercial AI training (including the choice of a non-commercial license) other than to not publish the article.
 - Closed Publication
 - * As discussed above, in closed publication the author generally surrenders control over commercial AI uses to the publisher by copyright transfer.
 - Open Publication
 - * It is unclear whether a CC-BY-NC(-ND) license withholds an article from commercial AI training since (1) the publisher may intervene and reclaim commercial rights through a license-to-publish, allowing the publisher to re-license the content to 3rd parties as if it were a subscription article and (2) commercial AI training may be found to be fair use in the US (and the only cases to rule on the issue so far have done so, though those decisions are relatively preliminary and the development of fair use in this area is likely to continue).
 - * Creative Commons has investigated creating licenses that would prohibit AI training, and abandoned this approach since a "No-AI" license would effectively be legally unenforceable in any jurisdiction that views AI training as legal under an exception to copyright (including the US), creating a false sense of security for creators.
 - **Federal compliance:** Complying with federal public access policies (or those of other funders) means that an author's accepted manuscript (AAM) of a research article will

almost certainly be available for computational research.

- Compliance interacts in complex ways with author choice of publishing route (closed vs open). It is unclear whether a subscription publication can in all cases enable compliance with federal policy since a publisher may essentially refuse closed publication when federal policy requires immediate public access by insisting instead on an open publication for an article that has a zero-embargo funder requirement.
- In addition, some publishers are pushing libraries to agree to subscription terms that preclude the sharing of research outputs generated by TDM or generated using AI-enabled systems when subscribed content has been used to create those research outputs. This hinders compliance with federal data sharing requirements for grants utilizing computational research methodologies.
- **Revenue generation:** The prerequisite for leveraging UC authored scholarly articles for revenue generation is exclusive legal (copyright) and logistical control over this content. The University enjoys neither.

Areas of some ambiguity are marked with a “maybe” (and “maybe / no” where the more likely outcome seems to be weighted towards “no”). To reiterate:

- “Maybe”: it is unclear whether subscription publication is available in all cases for authors with federal policy compliance obligations since a publisher may insist instead on an open publication (supported by an article processing charge [APC], paid by the author and/or University) for an article with a zero-embargo funder requirement.
- “Maybe / No”: it is unclear whether a CC-BY-NC(-ND) license withholds an article from commercial AI training since (1) the publisher may intervene and reclaim commercial rights through a license-to-publish, allowing to re-license the content to 3rd parties as if it were a subscription article and (2) commercial AI training may be found to be fair use in the US.