



UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY COMMUNICATION

Maria DePrano, Chair
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Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

21 February 2024

Jim Steintrager, Chair
Academic Council

Re: Request for Academic Senate to co-sponsor the “*The Right to Deposit*” webinar

Dear Jim,

The UC Libraries and [Authors Alliance](#) are co-organizing a national event (“*The Right to Deposit*” webinar) to create deeper awareness of rights issues related to a recent (2022) White House Office of Science and Technology Policy (OSTP) public access memo. Already, the UC Libraries have partnered with UC faculty representatives and consulted with UCOLASC to ensure this event advances UC’s strategic priorities and leadership in addressing barriers that prevent authors from sharing their work, and leverages the powerful role that institutional and funder policies can play in supporting authors.

The UC Libraries have requested that UCOLASC on behalf of the Academic Senate join as an event co-sponsor. At its February 16, 2024 meeting, UCOLASC voted unanimously (11-0) to endorse this request and nominated Past UCOLASC Chair, Professor Rich Schneider, to serve as UCOLASC faculty liaison to the event steering committee.

Here is some background and further information on the event:

The Right to Deposit Webinar

With the forthcoming release of new federal agency public access plans as a result of the [White House OSTP public access guidance](#), federally-funded authors will face new requirements to deposit their scholarly publications, without an embargo, in agency-designated open access repositories. These requirements will impact authors, their institutions, and especially the offices that deal with research funding and grant compliance. Libraries will also continue to play a key role in advancing open access through multiple pathways and engaging in author education about scholarly publishing and research data management.

For many authors this will be an entirely new requirement; for others, who were already required to deposit their articles within 12 months, this will mean a shorter timeline for compliance. Regardless, all federally-funded authors will need clear and uniform guidance to navigate this new landscape; and institutions, agencies, and publishers should support these policies to reduce barriers to deposit.

Currently, substantial challenges and inequities remain:

- Even when authors understand the publishing and public access landscape, their ability to negotiate the terms of their publishing contracts is limited because as individuals they have little bargaining power.

- Some institutions have open access policies that provide clear legal rights to deposit, but those policies do not reach all authors, and publishers can require authors to opt out of the policy as a precondition for publishing.
- A few institutions have successfully negotiated with publishers to secure the right for authors to deposit their work with no embargo, but such efforts generally face tremendous resistance from publishers.
- Because interventions by institutions on behalf of authors often require intensive resources, they tend to provide more benefit to authors at wealthier institutions versus authors at less-resourced institutions.
- Some authors may have funding from multiple federal sources and could be overburdened if there are discrepancies and inconsistencies in guidance language and implementation across agencies.

UCOLASC along with the UC Libraries and Authors Alliance believe that federal agencies could level the playing field for authors by adopting the Federal purpose license found in [2 CFR 200.315\(b\)](#) as a foundation for policy language and implementation of the 2022 OSTP public access guidance. Specifically, the Federal purpose license states that, “*The Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.*” The Federal purpose license provides clear language that supports deposit and re-use of research outputs, offers a pre-existing mechanism to achieve uniformity across federal agencies, reduces the risk of any non-compliance issues for grant recipients, and maximizes the return-on-investment for taxpayers and the public-at-large.

Through the planned webinar, we aim to create deeper national awareness of rights issues related to the OSTP public access memo, and discuss benefits of invoking the Federal purpose license. After the event, we hope attendees will become signatories and advocates for a shared declaration that emphasizes the obligation of funders to create transparent legal frameworks and uniform guidance language to support authors and readers. This event will include individuals from US universities (faculty, librarians, administrators), consortia, research organizations, and funders.

Action Item: UCOLASC is requesting that the Academic Senate endorse and serve as co-sponsor of “The Right to Deposit” webinar with the UC Libraries.

Please let us know if you have any questions or need additional information. We thank you in advance for considering this request.

Sincerely,



Maria DePrano, Chair

Mark Hanna, Vice Chair

**Deborah Blocker, UC Berkeley
Dennis Ventry, Alternate, UC Davis
Michael Fortun, UC Irvine
Kathrin Plath, UC Los Angeles
Christopher Ojeda, UC Merced
Curt Burgess, UC Riverside
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