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UNIVERSITY COMMITTEE ON LIBRARY AND SCHOLARLY
COMMUNICATION (UCOLASC)

Abraham Stone, Chair
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June 12, 2026

Erik Mitchell, Mathew Willmott, Miranda Bennett, Co-Chairs
Project Transform Negotiating Team (PTNT), Project Transform Working
Group (PTWG), UC Council of University Librarians (CoUL)

RE: 100% Open Access and Artificial Intelligence

Dear Erik, Mat, Miranda and CoUL colleagues,

On November 13 2025, UCOLASC issued a statement endorsing open
access with a Creative Commons Attribution license (CC-BY) as a default
for UC authors, and subscription publishing as an “option-of-last-resort.”
Here is the statement with its full context:

*“The University Committee on Library and Scholarly Communication
(UCOLASC), hereby signals its collective and resolute commitment to
support the negotiations of the University of California (UC) with Elsevier
and other publishers to advance UC’s mission as a public institution, make
the products of our research and scholarship as freely and widely available
as possible, enable authors to retain all rights as creators, and ensure UC
spends taxpayer money in the most ethically, morally, and socially
responsible way.*

*To this end, UCOLASC calls for UC to enter into agreements with publishers
whereby open access publishing and Creative Commons Attribution
licenses (CC BY) are default for all UC authors, and subscription publishing
is deprecated as an option-of-last-resort. UCOLASC does so with the
acknowledgement that a limited number of UC authors may require
additional publishing and licensing options for reasons that are discipline-
specific and related to academic freedom—but such options should not
restrict the rights of authors nor their ability to comply with institutional and
funder obligations.”*

We want to underscore our continued commitment to this statement after deep consideration of the intersections of open access and artificial intelligence (AI) training by commercial entities. UCOLASC members empathize with faculty who grapple with the profound impacts of AI on their professional lives, and understand that this experience has led faculty to ask pointed questions about whether open access publishing abets extractive commercial AI training on academic content. Grappling with these valid concerns, and deeply considering the present-day publishing landscape and the legal and policy context, UCOLASC has concluded that open access with a CC-BY license continues to be the publishing option most aligned with author and university self-interest and the academic research mission.

In our analysis, shifting away from open access to a closed model does not prevent commercial AI training; rather, doing so abdicates academic control. Copyright is 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 use of a critical new technology and research methodology.

Assignment of any Creative Commons non-commercial license does not prevent commercial AI training since publishers routinely reassign commercial rights to themselves through the license-to-publish agreement. In other words, authors would be well served to consider a CC-BY-NC(-ND) article as substantially identical to a subscription article in terms of the opening for commercial exploitation through AI training it provides to the many publishers who utilize this reassignment strategy. In addition, all Creative Commons licenses (including the non-commercial licenses) 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. Even if a publisher does not reassign commercial rights, 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).

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, it provides the following priceless benefits:

- **Copyright:** open access enables authors to retain copyrights in their work rather than transferring exclusive ownership of those copyrights to commercial publishers.
- **The Public Good:** Open access ensures university research remains a public good, contributing high-quality, factual information to the public sphere as a vital counterweight to AI misinformation.

- **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.
- **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. It also does not saddle non-UC researchers or institutions with having to make such payments.
- **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.

Importantly, 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 in the global academy, to perform computational research on the scholarly literature, which is quickly emerging as a vital research methodology.

There is no known technological or licensing pathway to withhold a published article from AI training once such work enters the public or commercial stream. 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 enumerated above for open access publishing *are* a compelling differentiator, and represent why UC has been a global leader in the open access movement for more than 20 years.

In closing, we thank you, other members of the PTNT, PTWG, and CoUL for your efforts to maximize open access publishing under a CC-BY license for UC authors in publisher agreements. We remain by your side with firm resolve and ask the UC Libraries to push further on this path.

Sincerely,



Abraham Stone
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cc: UCOLASC