



Date: April 13, 2025

To: Andre Avramchuk, Chair
Academic Senate

From: Lettycia Terrones, Chair
Faculty Policy Committee

Copies: T. Bettcher, V. Green, E. Heise, J. Dennis, R. Roquemore

Subject: **Proposed New Policy to the *Faculty Handbook*:**
FPC 24-5 Retention of Faculty Author Rights to Deposit and Disseminate Scholarly Articles:
Open Access Policy, Chapter VI

A previous draft of the proposed policy was discussed on the Senate Floor on March 25th and returned to the Faculty Policy Committee (FPC) for further revision.

FPC, in consultation with the Open Access Task Force, has revised the policy to address the questions and concerns raised by the Senate.

To summarize:

1. Senators expressed a need for **additional resources and information** about Open Access. Senator Jayati Chaudhuri, University Librarian and co-chair of the OA Task Force created a webpage to address these questions: <https://libguides.calstatela.edu/openaccess/oapolicy-faq>
 - This page includes more information about why an **OA policy is needed** at Cal State LA, **definitions of terms**, and answers to **Frequently Asked Questions** regarding open access repositories.
 - This page also contains a link to the **CSU Resolution on Open Access, which was adopted in 2019**: <https://libguides.calstatela.edu/openaccess/csu-oa-resolution>
 - There is also a link to information about how faculty can submit their articles to be deposited in **Scholarworks, a CSU-wide repository**: <https://libguides.calstatela.edu/openaccess/scholarworks>
 - Finally, there is a link to a page where faculty can easily search for **open access policies** of major **scholarly journals**: <https://libguides.calstatela.edu/openaccess/openpolicyfinder>
2. Maybe instead use: Several substantive changes were made to the proposed policy in response to senators' concerns (since this is a new policy, these are not indicated on the draft of the policy found below):
 - Line 5: The words "PURPOSE OF POLICY AND VALUE OF OPEN ACCESS" were added to the preamble heading.
 - Lines 9-11: A reference to the "RESOLUTION IN SUPPORT OF FACULTY PUBLICATION RIGHTS WITH A GREEN OPEN ACCESS POLICY FOR THE CALIFORNIA STATE UNIVERSITY ADOPTED IN 2019" was added.
 - Lines 14-15: A definition of scholarly articles was added.
 - Lines 29-31: A summary of the components of copyrights was added.

- The entire section on Embargoes and Waivers (previously section III) was removed in order to avoid confusion. The policy is based on opt-in and encourages faculty to voluntarily deposit their scholarly articles in a university repository, so no embargo or waiver is necessary for faculty who choose not to do so.
- Lines 44-51: Section on Deposit of Articles was simplified and reduced to remove any discussion relating to embargoes or waivers.

RETENTION OF FACULTY AUTHOR RIGHTS TO DEPOSIT AND DISSEMINATE THEIR SCHOLARLY ARTICLES: AN OPEN ACCESS POLICY

(THIS POLICY IS GUIDED BY THE OPEN ACCESS POLICIES OF CALIFORNIA STATE UNIVERSITY, EAST BAY AND THE UNIVERSITY OF CALIFORNIA)

I. PREAMBLE: PURPOSE OF POLICY AND VALUE OF OPEN ACCESS

THE PURPOSE OF THIS POLICY IS TO EXPRESS THE COMMITMENT ON THE PART OF THE FACULTY OF CALIFORNIA STATE UNIVERSITY, LOS ANGELES TO DISSEMINATING ITS RESEARCH AND SCHOLARSHIP AS WIDELY AS POSSIBLE. AS PART OF A PUBLIC UNIVERSITY SYSTEM, THE FACULTY IS DEDICATED TO MAKING ITS SCHOLARSHIP AVAILABLE TO THE PEOPLE OF CALIFORNIA AND BEYOND, IN LINE WITH THE RESOLUTION IN SUPPORT OF FACULTY PUBLICATION RIGHTS WITH A GREEN OPEN ACCESS POLICY FOR THE CALIFORNIA STATE UNIVERSITY ADOPTED IN 2019.

CAL STATE LA IS COMMITTED TO ADOPT AND SUPPORT THIS POLICY ENCOURAGING FACULTY TO SHARE AND ARCHIVE THEIR SCHOLARLY ARTICLES IN OPEN ACCESS REPOSITORY, SUCH AS THE CSU-WIDE REPOSITORY SCHOLARWORKS. THIS POLICY DEFINES SCHOLARLY ARTICLES AS PEER-REVIEWED ARTICLES THAT HAVE BEEN ACCEPTED FOR PUBLICATION OR PUBLISHED IN A SCHOLARLY JOURNAL.

OPEN ACCESS SCHOLARLY PUBLICATIONS ARE AVAILABLE TO ANYONE IN AN ACCESSIBLE FORMAT, FREE OF CHARGE, AND WITHOUT LICENSING RESTRICTIONS. THE FACULTY RECOGNIZES THE BENEFITS OF WIDE DISSEMINATION, INCLUDING GREATER RECOGNITION AND A GENERAL INCREASE IN ACCESSIBLE SCIENTIFIC, SCHOLARLY, AND CRITICAL KNOWLEDGE.

IN KEEPING WITH THESE CONSIDERATIONS, THE FACULTY ADOPTS THE FOLLOWING POLICY PERTAINING TO FACULTY-AUTHORED SCHOLARLY ARTICLES:

II. GRANT OF LICENSE, LIMITATIONS, AND SCOPE

THE FACULTY IS COMMITTED TO MAKING THEIR SCHOLARLY ARTICLES WIDELY AND FREELY AVAILABLE IN AN OPEN ACCESS REPOSITORY. AS SUCH, FACULTY MEMBERS ARE ENCOURAGED TO DEPOSIT THEIR SCHOLARLY ARTICLES IN AN INSTITUTIONAL OPEN ACCESS REPOSITORY.

THOSE WHO DEPOSIT THEIR WORK IN AN OPEN ACCESS REPOSITORY OF THE CSU GRANT TO CAL STATE LA A NONEXCLUSIVE, IRREVOCABLE, WORLDWIDE LICENSE TO EXERCISE ANY AND ALL RIGHTS UNDER COPYRIGHT RELATING TO EACH OF THEIR SCHOLARLY ARTICLES, IN ANY MEDIUM, PROVIDED THAT THE ARTICLES ARE NOT SOLD FOR A PROFIT, AND TO AUTHORIZE OTHERS TO DO THE SAME. COPYRIGHT IS A BUNDLE OF FIVE RIGHTS: THE RIGHT TO REPRODUCE, THE RIGHT TO PREPARE DERIVATIVE WORKS (E.G., TRANSLATIONS), THE RIGHT TO DISTRIBUTE, THE RIGHT TO DISPLAY PUBLICLY, AND THE RIGHT TO PERFORM PUBLICLY.

THIS POLICY ALLOWS FACULTY MEMBERS TO MORE EASILY AND COLLECTIVELY RESERVE RIGHTS OF THEIR SCHOLARLY ARTICLES THAT MIGHT OTHERWISE BE SIGNED AWAY, OFTEN UNNECESSARILY, IN AGREEMENTS WITH PUBLISHERS. SUCH A POLICY WILL GIVE CAL STATE LA A LEGAL BASIS TO HOST AND PROVIDE PUBLIC ACCESS TO FACULTY SCHOLARLY ARTICLES.

THIS POLICY DOES NOT TRANSFER OR AFFECT COPYRIGHT OWNERSHIP, WHICH IS DETERMINED BY EXISTING CAL STATE LA INTELLECTUAL PROPERTY RIGHTS POLICY. THIS OPEN ACCESS POLICY ONLY APPLIES TO SCHOLARLY ARTICLES PUBLISHED BY A FACULTY UNIT EMPLOYEE OR EMERITUS FACULTY MEMBER WHILE THEY ARE EMPLOYED BY CAL STATE LA.

40 **III. CONSIDERATIONS REGARDING RETENTION, TENURE, AND PROMOTION**

41 FACULTY DECISION TO PARTICIPATE IN OPEN ACCESS IS VOLUNTARY. FACULTY DECISIONS REGARDING
42 PARTICIPATION IN THE OPEN ACCESS PLATFORM REPOSITORY OF SCHOLARLY WORK SHALL NOT BE USED AS A
43 FACTOR IN RETENTION, TENURE, AND PROMOTION EVALUATIONS, RECOMMENDATIONS, AND DECISIONS.

44 **IV. DEPOSIT OF ARTICLES**

45 PARTICIPATING FACULTY MEMBERS WILL DEPOSIT AN ACCESSIBLE ELECTRONIC COPY OF THE ACCEPTED
46 AUTHOR MANUSCRIPT OF EACH ARTICLE COVERED BY THIS POLICY TO CAL STATE LA, IN AN APPROPRIATE
47 FORMAT SPECIFIED BY THE CAL STATE LA UNIVERSITY LIBRARY, FOR INCLUSION IN A UNIVERSITY OPEN
48 ACCESS REPOSITORY.

49 THIS POLICY DOES NOT IN ANY WAY PRESCRIBE OR LIMIT THE VENUE OF PUBLICATION. FACULTY RECEIVING
50 FUNDING FROM FEDERAL AGENCIES OR OTHER SOURCES SHOULD FOLLOW THE GUIDELINES OF THOSE
51 AGENCIES REGARDING THE DEPOSITORY OF PUBLICATIONS RESULTING FROM THE FUNDING.

52 **V. OVERSIGHT OF POLICY**

53 THE UNIVERSITY LIBRARY WILL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS POLICY. THE DEAN OF
54 THE UNIVERSITY LIBRARY WILL, IN A TIMELY MANNER, ESCALATE QUESTIONS OF INTERPRETATION AND
55 APPLICATION TO THE LIBRARY SUBCOMMITTEE. FINAL AUTHORITY FOR RESOLVING QUESTIONS RESTS WITH
56 THE OFFICE OF THE PROVOST, AS DESIGNEE OF THE PRESIDENT.

57 ANY CHANGES TO THE TEXT OF THIS POLICY WILL REQUIRE APPROVAL BY THE ACADEMIC SENATE. THE
58 UNIVERSITY LIBRARY, IN CONSULTATION WITH THE LIBRARY SUBCOMMITTEE, WILL REVIEW THIS POLICY
59 WITHIN THREE YEARS AND THEN AT INTERVALS OF NO LESS THAN FIVE YEARS AND PRESENT A REPORT TO
60 THE ACADEMIC SENATE.