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**Date:** January 29, 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 Policy Addition to the *Faculty Handbook*:**  
***FPC 24-4 Retention of Faculty Author Rights to Deposit and Disseminate Scholarly Articles: Open Access Policy, Chapter VI***

During Fall 2024 and Spring 2025, Faculty Policy Committee (FPC) considered the *Retention of Faculty Author Rights to Deposit and Disseminate Scholarly Articles: Open Access Policy*, a new policy drafted by the Open Access Policies Task Force, which was convened on the behest of the Academic Senate Executive Committee.

FPC deliberated about the policy over many meetings and after minor revisions unanimously approved the policy on January 27, 2025. FPC recommends the addition of the policy to the Faculty Handbook.

The OA Policy originates from the Academic Senate Executive Committee's request for the formation of the Open Access Policies Task Force, comprised from representatives from the Senate committees and subcommittees: (Jessica Dennis [Co-Chair], Jayati Chaudhuri [Co-Chair], Andrew Chavez, Hyunsook Park, Chengyu Sun, Edith Porter, Sharon Ulanoff, Carlos Rodriguez, with Jie Zhong, Kristie Genzel, Albert Jones serving in 2023).

The OAP Task Force met regularly from Spring 2023-Spring 2024. Members collected and reviewed Chancellor's Office Executive Orders and ASCSU resolutions, as well as policies from other universities. This policy is primarily guided by the Open Access policies of California State University, East Bay, and the University of California. Task force members have shared this policy draft with each of the committees they represented (i.e., Educational Policy Committee, Library Subcommittee, Academic Information Resources Subcommittee, Graduate Studies Subcommittee, Faculty Policy Committee, Student Policy Committee, Resuming On-campus Research Activities Group), and the University Library faculty. The members sought input on a draft of the policy at the Open Access Mini-Conference hosted by the University Library in October 2023. They also consulted with University Counsel, Kristina Strottman.

The policy focused on a commitment to the wide disseminating of faculty research and scholarship, with the aim to make faculty scholarship available to the public of California and beyond. The goal of the policy is to support faculty efforts to publicly share their scholarly works by creating open access scholarly publications available to anyone in accessible formats, free of charge and without licensing restrictions. However, it was also felt important to include that faculty participation in open access shall not affect RTP considerations and decisions.

Additionally, the policy allows faculty members to more easily and collectively reserve rights of their scholarly works by providing Cal State LA a legal basis to host and provide public access to future faculty scholarly articles.

To this end, the policy is organized in the following sections pertaining to the retention of faculty author rights to deposit and disseminate scholarly articles in Open Access platforms:

- Preamble
- Grant of License, Limitations, and Scope
- Waivers (Opt-Out) and Embargoes
- Considerations Regarding Retention, Tenure and Promotion
- Deposit of Articles
- Oversight of the Policy

The following points summarize the proposed changes to the shows the new policy:

# **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**

THE FACULTY OF CALIFORNIA STATE UNIVERSITY, LOS ANGELES IS COMMITTED 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. FACULTY IN LEADING ACADEMIC INSTITUTIONS HAVE ADOPTED OPEN ACCESS POLICIES TO SUPPORT FACULTY EFFORTS TO PUBLICLY SHARE THEIR SCHOLARLY WORKS, AND CAL STATE LA IS ALSO COMMITTED TO ADOPT AND SUPPORT SUCH A POLICY. 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. 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 FUTURE FACULTY SCHOLARLY ARTICLES. 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 THROUGH OPEN ACCESS. 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. 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 APPLIES TO ALL SCHOLARLY ARTICLES PUBLISHED BY A FACULTY UNIT EMPLOYEE OR EMERITUS FACULTY MEMBER WHILE THEY ARE EMPLOYED BY CAL STATE LA. ANY ARTICLES PUBLISHED BEFORE THE ADOPTION OF THIS OPEN ACCESS POLICY OR ANY ARTICLES FOR WHICH THE FACULTY MEMBER ENTERED INTO AN INCOMPATIBLE LICENSING OR PUBLISHING AGREEMENT BEFORE THE ADOPTION OF THE POLICY ARE EXEMPT.

## **III. WAIVERS (OPT-OUT) AND EMBARGOES**

FACULTY MAY OPT OUT OF THE COMMITMENT TO MAKE THEIR WORKS AVAILABLE IN THE INSTITUTIONAL OPEN ACCESS REPOSITORY OR APPLY AN EMBARGO OF THEIR SCHOLARLY WORKS FOR A LIMITED TIME.

## **IV. CONSIDERATIONS REGARDING RETENTION, TENURE, AND PROMOTION**

FACULTY DECISION TO PARTICIPATE IN OPEN ACCESS SHALL BE VOLUNTARY. FACULTY DECISION TO OPT OUT OF PARTICIPATION IN THE OPEN ACCESS PLATFORM REPOSITORY OF SCHOLARLY WORK SHALL NOT BE USED

AS A FACTOR IN RETENTION, TENURE, AND PROMOTION EVALUATIONS, RECOMMENDATIONS, AND DECISIONS.

## **V. DEPOSIT OF ARTICLES**

PARTICIPATING FACULTY MEMBERS WILL PROVIDE AN ACCESSIBLE ELECTRONIC COPY OF THE ACCEPTED AUTHOR MANUSCRIPT OF EACH ARTICLE COVERED BY THIS POLICY TO CAL STATE LA NO LATER THAN THE DATE OF ITS PUBLICATION, IN AN APPROPRIATE FORMAT SPECIFIED BY CAL STATE LA, FOR INCLUSION IN AN OPEN ACCESS REPOSITORY. WHEN APPROPRIATE, A FACULTY MEMBER MAY INSTEAD NOTIFY CAL STATE LA IF THE ARTICLE WILL BE FREELY AVAILABLE IN ANOTHER REPOSITORY OR AS AN OPEN-ACCESS PUBLICATION. FACULTY MEMBERS WHO HAVE PERMANENTLY WAIVED THE LICENSE MAY NONETHELESS DEPOSIT A COPY WITH CAL STATE LA FOR ARCHIVAL PURPOSES. THIS POLICY DOES NOT IN ANY WAY PRESCRIBE OR LIMIT THE VENUE OF PUBLICATION. IT NEITHER REQUIRES NOR PROHIBITS THE PAYMENT OF FEES OR PUBLICATION COSTS BY AUTHORS. FACULTY RECEIVING FUNDING FROM FEDERAL AGENCIES OR OTHER SOURCES SHOULD FOLLOW THE GUIDELINES OF THOSE AGENCIES REGARDING THE DEPOSITORY OF PUBLICATIONS RESULTING FROM THE FUNDING.

## **VI. OVERSIGHT OF POLICY**

THE UNIVERSITY LIBRARY WILL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS POLICY. THE DEAN OF THE UNIVERSITY LIBRARY WILL, IN A TIMELY MANNER, ESCALATE QUESTIONS OF INTERPRETATION AND APPLICATION TO THE LIBRARY SUBCOMMITTEE. FINAL AUTHORITY FOR RESOLVING QUESTIONS RESTS WITH THE OFFICE OF THE PROVOST, AS DESIGNEE OF THE PRESIDENT. ANY CHANGES TO THE TEXT OF THIS POLICY WILL REQUIRE APPROVAL BY THE ACADEMIC SENATE. THE UNIVERSITY LIBRARY, IN CONSULTATION WITH THE LIBRARY SUBCOMMITTEE, WILL REVIEW THIS POLICY WITHIN THREE YEARS AND THEN AT INTERVALS OF NO LESS THAN FIVE YEARS AND PRESENT A REPORT TO THE ACADEMIC SENATE.