SERIALS ACQUISITIONS WITH SPECIAL REFERENCE TO NEGOTIATIONS WITH ELSEVIER

December 17, 2003, Records, pp. 9897-9902S, Appendix 18

Professor Francis Kallfelz, Clinical Sciences, and member, University Faculty Library Board, moved the following resolution:

BE IT RESOLVED THAT:

(1) The University Faculty Senate supports the library’s efforts to maintain and enhance the outstanding quality of Cornell’s library collections for teaching and research. Moreover, recognizing the special challenges presented by current economic, market, and budgetary conditions, the University Faculty Senate supports the library’s efforts to bring serials costs under control while at the same time maintaining the collection’s quality.

(2) Recognizing that given present and future budget constraints, the library requires autonomy and flexibility to manage its materials acquisitions decisions effectively, the University Faculty Senate endorses the library’s decision to withdraw from Elsevier’s bundled pricing plan and undertake selective cancellation of Elsevier journals as deemed appropriate by the library in consultation with the faculty.

(3) Recognizing that current trends regarding serials costs are unsustainable and that the current business models and marketing strategies of commercial publishers bear significant responsibility for those trends, the University Faculty Senate encourages the library to take an aggressive
approach in negotiating new contractual models and pricing structures with Elsevier and other commercial publishers designed to bring serials costs in line with realistic long-term library budget projections.

(4) Recognizing that the cost of Elsevier journals in particular is radically out of proportion with the importance of those journals to the library’s serials collection (measured both in terms of the proportion of the total collection they represent and in terms of their use by and value to faculty and students), the University Faculty Senate encourages the library to seek in the near term in consultation with the faculty, to reduce its expenditures on Elsevier journals to no more than 15% of its total annual serials acquisitions expenditures (from in excess of 20% in 2003). Moreover, the University Faculty Senate encourages the library to work toward long-term pricing structures with Elsevier and other publishers based on reasonable measures of a subscription’s importance to the Cornell collection.

(5) Recognizing that the increasing control by large commercial publishers over the publication and distribution of the faculty’s scholarship and research threatens to undermine core academic values promoting broad and rapid dissemination of new knowledge and unrestricted access to the results of scholarship and research, the University Faculty Senate encourages the library and the faculty vigorously to explore and support alternatives to commercial venues for scholarly communication.

Professor Scott MacDonald, Philosophy, and Chair of the University Faculty Library Board, commented on the background for the resolution. This is an issue that the Library Board has been talking about with the University Librarian for several years. Significant action has had to be undertaken for the 2004 contract, forced on Cornell by Elsevier in particular; price increases have finally gotten to the point that the library absolutely cannot bear them.

This resolution addresses the immediate budget crisis, particularly as it involves Elsevier and begins to lay the foundation for longer-term strategy in dealing with the issues that underlie the present crisis. Stage two of the process will be to take these discussions and these issues to the faculty at large. These are issues that affect a wide-range of faculty in the university very directly. The hope is that this resolution will start a conversation that will continue in the spring so that a second resolution can be brought back after consulting more broadly with the faculty.

The floor was opened to questions and discussion. Failing a quorum at the meeting, a straw vote was taken. It was adopted unanimously.
REPORT FROM UNIVERSITY FACULTY LIBRARY BOARD

December 8, 2004, Records, pp. 10098-10100S, Appendix 17

Professor J. Robert Cooke, Biological and Environmental Engineering, and chair of the University Faculty Library Board, introduced a report:

1. Prior Faculty Senate Action:

   Accepted unanimously by the non-quorum (straw vote) of the Faculty Senate on Wednesday, December 17, 2003.

   [Here’s the part relevant to the item being reported today:]

   (5) Recognizing that the increasing control by large commercial publishers over the publication and distribution of the faculty’s scholarship and research threatens to undermine core academic values promoting broad and rapid dissemination of new knowledge and unrestricted access to the results of scholarship and research, the University Faculty Senate encourages the library and the faculty vigorously to explore and support alternatives to commercial venues for scholarly communication.

2. Statement by the University Faculty Library Board sent to NIH and the members of Congress from New York State

   An Expression of Support

Cornell University’s University Faculty Library Board endorses the plan of the National Institutes of Health (NIH) to make research articles based on NIH funding available to the public free of charge within six months after
publication in a peer-reviewed journal. This plan is a major contribution to the goal that the results of scientific research should be made broadly available. It is especially important for research that is funding by the U.S. taxpayer to be widely available, and not restricted to those people who have access through expensive research libraries.

Submitted on 16 November 2004 by Professor J. Robert Cooke, Chair, University Faculty Library Board

3. Quotes by Peter Suber from the SPARC Newsletter

- “Congress approved the NIH plan. In July, the House Appropriations Committee directed that the NIH develop an open-access plan.
- “In September, the Senate declined to include similar language in its own appropriations bill. The two appropriations bills had to be reconciled in a conference committee.
- “Congress has spoken. The President still has to sign the appropriations bill, but all omens suggest that he will. Congress has put the language into an omnibus “must-sign” bill and has already eliminated the provisions most offensive to the administration.
- “This is the largest single-step toward free online access in the history of the OA movement. The NIH is the largest funder of medical research in the world, with a $28 billion budget for next year alone. The new policy will apply to all future NIH-funding research published in journals. The significance of this step is not that it’s ‘mandated’ open access from a public funding agency; it could have been, but both NIH and Congress want to deemphasize the ‘mandate’. It’s simply the largest single initiative to provide free online access to peer-reviewed scientific research. It’s not only the largest to date, but because of the size of the NIH budget, it’s likely to be the largest ever. It will affect an enormous body of literature directly, and many other funding agencies and disciplines indirectly.”

On November 20, the conference committee approved the following language: {my italics}

*The conferees are aware of the draft NIH policy on increasing public access to NIH-funding research. Under this policy, NIH would request investigators to*
voluntarily submit electronically the final, peer reviewed author’s copy of their scientific manuscripts six months after the publisher’s date of publication. NIH would make this copy publicly available through PubMed Central. The policy is intended to help ensure the permanent preservation of NIH-funding research and make it more readily accessible to scientists, physicians, and the public. The conferees note the comment period for the draft policy ended November 16th. NIH is directed to give full and fair consideration to all comments before publishing its final policy. The conferees request NIH to provide the estimated costs of implementing this policy each year in its annual justification of Estimates to the House and Senate Appropriations Committees. In addition, the conferees direct NIH to continue to work with the publishers of scientific journals to maintain the integrity of the peer review system.

4. Additional background:

The final version of the House Appropriations Bill, HR 4818

RESOLUTION CONCERNING SCHOLARLY PUBLISHING

May 11, 2005, Records, pp. 10243-10249S, Appendix 14

Professor William Arms, Computer Sciences, and member of the University Faculty Library Board, outlined the reasons for the resolution concerning scholarly publishing:

- exorbitant pricing by scientific and scholarly publishers
- changes in on-line information and open access

Discussion ensued reflecting both pro and con opinions. On a vote call, the resolution was adopted as follows:

WHEREAS Cornell’s longstanding commitment to the free and open publication, presentation and discussion of research advances the interests of the scholarly community, the faculty individually, and the public, and

WHEREAS certain publishers of scholarly journals continually raise their prices far above the level that could be reasonably justified by their costs, and
WHEREAS the activities of these publishers directly depend upon the continued participation of faculty at Cornell and similar institutions acting as editors, reviewers, and authors, and

WHEREAS a lasting solution to this problem requires not only interim measures but also a long-range plan, and

WHEREAS publication in open access journals and repositories is an increasingly effective option for scholarly communication,

THEREFORE BE IT RESOLVED THAT

The Senate calls upon all faculty to become familiar with the pricing policies of journals in their specialty.\(^1\) The Senate strongly urges tenured faculty to cease supporting publishers who engage in exorbitant pricing, by not submitting papers to, or refereeing for, the journals sold by those publishers, and by resigning from their editorial boards if more reasonable pricing policies are not forthcoming.\(^2\)

Reaffirming and broadening the proposals discussed during its meeting of December 17, 2003, the Senate strongly urges the University Library to negotiate vigorously with publishers who engage in exorbitant pricing and to reduce serial acquisitions from these publishers based on a reasonable measure of those subscriptions’ relative importance to the collection, taking into account any particular needs of scholars in certain disciplinary areas.

The Senate strongly encourages all faculty, and especially tenured faculty, to consider publishing in open access, rather than restricted access, journals or in reasonably priced journals that make their contents openly accessible shortly after publication.\(^3\)

The Senate strongly urges all faculty to negotiate with the journals in which they publish either to retain copyright rights and transfer only the right of first print

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\(^1\) See, e.g., [http://oap-comm.nsd.org/10most.html](http://oap-comm.nsd.org/10most.html) (listing 2005 prices of journals in various disciplines); [http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/faculty/facultyeconomics.htm](http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/faculty/facultyeconomics.htm) (providing general journal price info).

\(^2\) See, e.g., [http://www.arl.org/sparc/author/addendum.html](http://www.arl.org/sparc/author/addendum.html) (discussing what faculty referees and editors can do to change journal policies).

\(^3\) See, e.g., [http://www.doaj.org/](http://www.doaj.org/) (listing peer-reviewed open access journals); [http://www.earlham.edu/~peters/fos/do.htm#faculty](http://www.earlham.edu/~peters/fos/do.htm#faculty) (providing advice and sources for open access publishing); [http://www.library.cornell.edu/scholarlycomm/](http://www.library.cornell.edu/scholarlycomm/) (same); [http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/toolkit.htm](http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/toolkit.htm) (same);
and electronic publication, or to retain at a minimum the right of postprint archiving.4

The Senate strongly urges all faculty to deposit preprint or postprint copies of articles in an open access repository such as the Cornell University DSpace Repository or discipline-specific repositories such as arXiv.org.5

4 See, e.g., http://www.arl.org/sparc/author/addendum.html (providing a form to use to retain necessary rights); http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/faculty/facultyauthorcontrol.htm (providing model agreements and negotiation advice). See also http://www.sherpa.ac.uk/romeo.php?stats=yes by Project SHERPA (http://www.sherpa.ac.uk/) (listing journals that permit such archiving without special arrangement).

5 See, e.g., http://www.earlham.edu/~peters/fos/do.htm#faculty (describing methods and results of open-access archiving);
Professor J. Robert Cooke, Biological and Environment Engineering, and Chair, Library Board, introduced the following resolution:

WHEREAS, the Cornell Faculty Senate on 11 May 2005 passed a resolution on scholarly publishing, according to which “The Senate strongly urges all faculty to negotiate with the journals in which they publish either to retain copyright rights and transfer only the right of first print and electronic publication, or to retain at a minimum the right of postprint archiving”; and

WHEREAS, the Scholarly Publishing and Academic Resources Coalition (SPARC), has made available a standard form that authors may attach to publishing agreements in order to secure a non-exclusive right to make their work available for non-commercial uses; and

WHEREAS, the widespread use of such an addendum would educate publishers about the importance scholars attach to the ready availability of their scholarly work for educational purposes,

THEREFORE, BE IT RESOLVED THAT the Senate urges faculty members to attach the SPARC Author’s Addendum to publishing contracts that they sign unless they arrange to retain copyright itself and transfer only the right of first print and electronic publication.

Professor Cooke also presented the history leading up to the present time.

Since there was no quorum, the resolution will again be presented in the fall.
RESOLUTION FROM THE UNIVERSITY FACULTY LIBRARY BOARD REGARDING SPARC AUTHOR’S ADDENDUM

September 13, 2006, Records, pp. 10587-10589S, Appendix 2

Professor William Arms, Computer Science, introduced the following resolution from the May meeting, when there was no quorum.

WHEREAS, the Cornell Faculty Senate on 11 May 2005 passed a resolution on scholarly publishing, according to which “The Senate strongly urges all faculty to negotiate with the journals in which they publish either to retain copyright rights and transfer only the right of first print and electronic publication, or to retain at a minimum the right of postprint archiving”; and

WHEREAS, the Scholarly Publishing and Academic Resources Coalition (SPARC)\(^1\), has made available a standard form that authors may attach to publishing agreements in order to secure a non-exclusive right to make their work available for non-commercial uses; and

WHEREAS, the widespread use of such an addendum would educate publishers about the importance scholars attach to the ready availability of their scholarly work for educational purposes\(^2\),

THEREFORE, BE IT RESOLVED that the Senate urges faculty members to attach the SPARC Author’s Addendum to publishing contracts that they sign unless they arrange to retain copyright itself and transfer only the right of first print and electronic publication.

\(^1\)Authors’s Addendum Intro
http://www.arl.org/sparc/author/addendum.html

\(^2\)The above introduction provides a link to the SPARC Author’s Addendum document
http://www.arl.org/sparc/author/docs/Authors
Addendum2_1.pdf

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The NIH Public Access Policy pertaining access to NIH research is at:
http://www.arl.org/sparc/oa/nih.html

Following a few questions, the resolution was adopted.