



TO: SUNY University Faculty Senate
FROM: Operations Committee and Graduate Programs and Research Committee
RE: Resolution: Support for SUNY Negotiations for a fair and reasonable contract with Elsevier
DATE: 183rd Plenary, October 10-12, 2019
LOCATION: System Administration, Albany
RESOLUTION #: 183-04-01
VOTE TALLY: For: 47 / Against: 2 / Abstain: 2

RATIONALE:

WHEREAS SUNY has been a subscriber to Elsevier’s Science Direct pursuant to a contract that expires on December 31, 2019; and

WHEREAS this contract has allowed the SUNY community to have access to a large array of high-quality materials that are indispensable to learning, teaching, and research; and

WHEREAS SUNY paid over \$9 million for access to Science Direct last year, with the total cost to the SUNY System over the life of the contract being nearly \$45 million, and payments to Elsevier make up 25% of SUNY’s overall expenditures on journals; and

WHEREAS SUNY, through the SUNY Libraries Consortium (SLC), has been negotiating the terms of a new contract with Elsevier, but has been unsuccessful to date in negotiating a new contract; and

WHEREAS the University of California (UC) system sought to negotiate a contract with Elsevier for access to Science Direct offerings, such negotiations met an impasse, and the contract lapsed after UC had paid Elsevier more than \$11 million annually; and

WHEREAS universities across Europe, in countries such as Germany, Sweden, and Norway, have cancelled subscriptions with Elsevier after failed negotiations; and

WHEREAS Elsevier, in addition to deriving revenue from SUNY and other parties through subscriptions, also requires faculty authors to pay article publication charges (APCs) for publication in Elsevier journals; and

WHEREAS Elsevier has, in effect, gained a monopoly over the publication of and access to high-quality peer reviewed outlets; and

WHEREAS Elsevier has failed to expeditiously engage in the SUNY Science Direct contract negotiation process and, if the contract is not extended, the SUNY community will no longer have unlimited access to Elsevier’s collection; and

WHEREAS SUNY negotiators are extremely concerned that the failure to resolve the contract negotiation impasse with Elsevier will lead to the same situation as occurred with the UC System and the European universities, namely, that the contract will lapse on December 31, 2019:

RESOLUTION:

THEREFORE BE IT RESOLVED that the University Faculty Senate (UFS) calls upon Elsevier to negotiate earnestly and in good faith with SUNY to reach a fair and reasonable agreement on a new contract; and

BE IT FURTHER RESOLVED that UFS expresses its complete solidarity and stands united with the SUNY negotiators in their negotiations with Elsevier, additionally requesting that all Senators advocate for support of this resolution from their campus governance bodies; and

BE IT FURTHER RESOLVED that UFS believes a fair and reasonable Science Direct contract with Elsevier should be negotiated and requests the Chancellor direct the SUNY negotiators to pursue the goals of reducing SUNY expenditures, maintaining access to the current holdings, and supporting open access publishing; and

BE IT FURTHER RESOLVED that UFS requests affirmation from campus governance bodies in supporting SUNY taking a strong stance in negotiations with Elsevier because it will have the salutary effect of engendering meaningful change in the way faculty research is bought, sold, and shared with the world, thereby better compensating faculty for their hard work and effort; and

BE IT FURTHER RESOLVED that UFS recommends and requests that if Elsevier does not negotiate a contract that is deemed fair and reasonable by SUNY negotiators, the Chancellor direct the SUNY negotiators to follow the lead of UC and the aforementioned European universities and not enter into a new contract with Elsevier, and instead pursue alternative means with campus presidents to access scholarly works that are critical to the learning, teaching, and research of the SUNY community; and

BE IT FURTHER RESOLVED that UFS recommends and requests that if the SUNY negotiators decline to enter into a new contract with Elsevier, the Chancellor will ask Chief Administrative Officers at all campuses and the Provost will direct SUNY System Administration to follow the lead of the UC Provost and President by protecting the funds that would otherwise be allocated towards Elsevier with the intention that those funds be reallocated for alternative access to scholarly works and to subsidize APCs in open access peer-reviewed journals; and

BE IT FURTHER RESOLVED that UFS requests all Senators and campus governance bodies raise the issue of SUNY-Elsevier negotiations at the local level, support campus contingency planning in the event of non-renewal, and prepare their own resolutions to demonstrate unity with the SUNY negotiators at the local campus level, thus strengthening SUNY's negotiating position.

BACKGROUND:

Qureshi, F. (March 19, 2019). *Norway joins the ranks of Germany and Sweden, cancels subscription with Elsevier*. Retrieved from <https://www.editage.com/insights/norway-joins-the-ranks-of-germany-and-sweden-cancels-subscription-with-elsevier>

University of California Office of Scholarly Communication. (July 10, 2019). *UC and Elsevier: Overview – Office of Scholarly Communication*. Retrieved from <https://osc.universityofcalifornia.edu/open-access-at-uc/publisher-negotiations/uc-and-elsevier/>