

LIBRARY COMMITTEE
MINUTES OF MEETING
OCTOBER 7, 2009

[In these minutes: Copyright, Compact Update, Role of the Senate Library Committee, Future Agenda Items]

[These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions or actions reported in these minutes represent the views of, nor are they binding on, the Senate, the Administration or the Board of Regents.]

PRESENT: Jennifer Gunn, chair, Shannon McCrindle, Jonathan Binks, LeAnn Dean, Wendy Lougee, Mary Beth Sancomb-Moran, Bill Sozansky, Jennifer Alexander, Michelle Englund, Elizabeth Fine, Isaac Fox, Jay Hatch, Anatoly Liberman, James Orf, Danielle Tisinger, David Zopfi-Jordan, Timothy Germain, Monica Howell, Jonathan Lundberg

REGRETS: Suzanne Thorpe, Owen Williams, Stephen Gross, J. Woods Halley

ABSENT: Manami Bhattacharya

GUEST: Nancy Sims, copyright program librarian

I). Professor Gunn called the meeting to order, welcomed those present, and called for introductions.

II). Professor Gunn noted that in recent years the Library has done a great job of keeping the committee informed about the wide range of programming it does, not only in terms of the services it provides, but in terms of how the Library thinks about the future. For example, the Library has played a significant role in fostering the copyright discussions and changes that have taken place on campus. Professor Gunn turned to the University Librarian, Wendy Lougee, to introduce today's guest.

By way of background, Ms. Lougee noted that the committee has had a number of conversations about intellectual property and copyright. She noted that in 2007, the Board of Regents' (hereafter BOR) intellectual property policy was divided into two separate policies, one dealing with commercialization of intellectual property rights (http://www1.umn.edu/regents/policies/academic/Commer_of_Intell_Prop.html) and the other dealing with copyright (<http://www1.umn.edu/regents/policies/academic/Copyright.html>). Without going into great detail, Ms. Lougee noted that the BOR copyright policy upheld the "teacher exception" by giving faculty and faculty-like employees ownership of their academic works, and students ownership of the work they create in the course of their study. Important language was added to this policy that strongly encourages rights' owners to provide as broad as possible access to their work. Then, in 2008, an administrative

copyright ownership policy was adopted. This policy basically explicated the BOR policy.

One of the recommendations the copyright policy committee made to the Provost was to expand upon the educational and consultation services on copyright provided by the Library. Hence, the creation of a copyright program librarian position. Ms. Lougee then introduced Nancy Sims, the copyright program librarian. She noted that Ms. Sims has a very rich portfolio, which will serve her well in her position.

Ms. Sims began by providing the committee with information on her background. Given she is fairly new to the University, Ms. Sims stated that she is currently focusing on meeting faculty and understanding their copyright needs. Faculty have multiple roles on campus that intersect with copyright issues.

Unlike most other employers, faculty and people who are doing faculty-like work at the University own the work they produce (teacher exception). Who owns a work affects who can distribute it, who can see it, who can copy it, and who can build off it. With this said, Ms. Sims stated that she is focusing on authors' rights, which involves helping people understand their rights to the work they produced, and what rights they may want to transfer to publishers in order to be published.

Besides creating copyright, faculty also use copyrighted works on a regular basis. Ms. Sims reported receiving a fair number of questions having to do with 'fair use,' which is a very complex concept. Ms. Sims stated that she would like to see more people know what fair use is, what it means in terms of their work, and what it means in terms of other people building off their work.

Ms. Sims noted that faculty have also expressed concern about their students' knowledge of copyright. In this position, she plans to work with the library liaison staff to help them educate students about copyright issues, and to go into classes, at the request of faculty, to give brief presentations about copyright.

Another aspect of her position, noted Ms. Sims, is keeping up with the extremely quick pace of developments in copyright law and technology that impact copyright law. For example, Ms. Sims reported spending a significant amount of time reading and thinking about the Google Book Search Copyright Class Action Settlement.

In closing, Ms. Sims stated that this is a brief overview of her position, which is evolving and changing with time. She thanked the committee for their time, and asked what other types of services members would find helpful related to copyright.

A member asked whether Ms. Sims would be available to go to the coordinate campuses to conduct workshops. Ms. Sims stated that she would like to be able to do this at some point in the future.

Professor Gunn reminded the committee about the Copyright website at <http://www.lib.umn.edu/copyright/>. Ms. Sims stated that this site is in the process of being updated. The goal is to have the site be more robust, and include links to outside information and integration of a UThink blog focusing on copyright issues on campus.

A member suggested sending out a concise email to faculty containing copyright information. Ms. Sims stated that rather than sending a mass email she would propose a mechanism that faculty can opt into if they are interested in receiving copyright updates. Alternatively, when the UThink blog service is incorporated into the revised website, it will be possible to have it set up so that information can be sent to people requesting updates. It will also be possible to do a RSS syndication off the blog. Ms. Sims added that she is also using Twitter to follow the news and discussions related to copyright and technology.

A member stated that trying to find answers to copyright questions on the web is very difficult, if not impossible, to do. Who on campus can a faculty member make an appointment with that would be willing to talk through specific copyright concerns? Ms. Sims stated that she is willing to meet with individual faculty to discuss their copyright concerns. She stated, however, that copyright questions often do not lend themselves to concrete answers, and need to be thought of on many different levels. Ms. Sims stated that it is her job to go over copyright issues with faculty members, and give them the tools they need to make informed copyright decisions. Professor Gunn acknowledged the leadership role that the Library has taken on in terms of educating the University community about copyright issues.

In closing, Ms. Lougee stated that later this month all departments will receive a summary of findings from an environmental assessment that was conducted on tenure policies and publishing practices of faculty. Along with this summary, a list of resources will be included for those who want to learn more about publisher policies and managing their rights. This model is being replicated throughout the CIC, and, as a result, next year, the findings will include publishing practices data from 13 institutions.

A member asked whether Ms. Sims plans to look at copyright issues related to assignments that students have been given. Is there any liability for faculty or the institution if a student infringes upon copyright when doing an assignment? This would be an interesting issue, stated Ms. Sims. She added that generally issues related to student works that infringe despite faculty instructions on how not to infringe would likely not be a liability for the faculty member or the institution given that students are independent legal entities, but there could be other issues involved. The Office of the General Counsel is the appropriate unit for legal questions.

III). Professor Gunn turned members' attention to the *Twin Cities University Libraries Update* handout that was distributed electronically by Ms. Lougee prior to today's meeting. She requested Ms. Lougee specifically speak to the Libraries' FY11 budget/compact and related issues.

Ms. Lougee reminded members that with the implementation of the University's new budget model a few years ago the Libraries' budget is now attributed to colleges based on a weighted headcount metric. Another change that occurred under the new budget model is the timing of the Libraries' compact hearing with the Provost. Prior to the implementation of the new budget model, the Library would engage in their compact discussions in the spring when the colleges were having their discussions. Now, under the new model, the Library has its compact hearing in the fall, which has resulted in a synchronization problem in terms of not knowing what the colleges are seeing as their educational and programmatic priorities.

Ms. Lougee reminded the committee that the Libraries took a one-time unallotment of \$200,000 in FY09, and a recurring reduction of four in FY10, with the caveat that the reduction could not be taken from collections funding. As a result, staff and operations were cut by 6.4%. With respect to the collections, while it did not take a real cut per se, it realized a purchasing reduction given inflation in publications is running at 7 percent annually.

For FY11, the compact instructions required the Libraries to include a proposal for how it would accommodate a 2 percent budget reduction with the possibility that .75 percent of that reduction being returned to the unit. In terms of planning for a 2 percent reduction, the Libraries took into account:

- Current program investments, which are reviewed for usage trends, and assessed for efficiency/effectiveness.
- Strategic alignment with campus initiatives/direction.
- Critical trends in the Libraries' "ecosystem" (campus users, instruction, research, publishing, technology arenas).

Ms. Lougee went on to share the planning assumptions the Libraries used and the constraints it factored in as it developed its FY11 budget/compact. She then gave members a sense of the questions the Library thinks about as it prepares its compact, e.g., balancing staff versus collections, service and investment overlap with other campus units and institutions, and sustainability of library locations/hours.

In terms of balancing staff versus collections, asked a member, is the Library talking to colleges to ask for their assistance in prioritizing collection needs. Ms. Lougee stated that the Library regularly communicates with colleges relative to content and programming. The issue is that what might appear to be material relevant to a particular discipline is often much more broadly used. For example, material science, which is often associated with engineering, is actually relied upon in the field of dentistry.

A member affirmed Ms. Lougee's comment about the importance of buying books not only for today, but for tomorrow. It is necessary to have a broad perspective regardless of what is happening on campus today. Trends and fads change, but books remain.

Are the Libraries' five strategic themes (1. discovery and delivery, 2. scholarly communication and publishing, 3. e-scholarship, 4. e-education and learning support, 5.

content and the “collective collection”) static or are they constantly changing, asked a member? Ms. Lougee stated that every year the Library identifies overarching goals that are fairly high-level, and last throughout the course of the biennium. The themes identified are predecessors to the goals that have been identified. These themes represent concentrated sets of issues where the Library knows there is need for analysis and assessment of current investments.

Given the likelihood of limited financial resources across the CIC, noted a member, do librarians talk about resources they can share? Very much so, stated Ms. Lougee, and even beyond the CIC. Conversations are taking place concerning models that are being used to reduce resources. Most of what peer institutions are doing to reduce, the University has already done, e.g., consolidating branch libraries. Ms. Lougee shared with the committee an example of an interesting initiative, a partnership between Columbia and Cornell Libraries, 2CUL — pronounced “too cool” (<http://news.library.cornell.edu/com/news/PressReleases/Columbia-and-Cornell-Libraries-Announce-New-Partnership.cfm>). Through this initiative, Columbia and Cornell Libraries are attempting to consolidate approximately 20% of their operations over the next few years in an effort to achieve greater efficiencies and effectiveness and to address new challenges through combined forces. Ms. Lougee stated that there are definitely conversations taking place about where to partner in order to achieve greater efficiencies.

Is the Library thinking about possibly sharing storage space with surrounding states in light of the fact its caverns are full, asked a member? Ms. Lougee stated that Minnesota is unusual in that it has never had a focused preservation program for its collections. The Library has hired a consultant, Sam Demas, college librarian, Carleton College, who previously was head of preservation at Cornell University. Mr. Demas is helping the Library think about what an appropriate preservation program would look like for the University in this day and age. He will be working with the Library over the next six months to develop a preservation and storage plan.

The Library still holds multiple copies of books, stated a member. With this said, are there any plans to sell these books? Ms. Lougee stated that the Library routinely withdraws multiple copies of books, particularly before books are sent to storage. The Library strives not to send duplicate books to storage. The Library sells these books in bulk. Previously, the Library held book sales, but this was expensive to do.

A member asked whether the Library has plans to digitize its collections. The Library does have a digitization program, noted Ms. Lougee, particularly of unique and rare materials. In addition, the Library is part of the Google Books Library Project. This project expects to digitize 10 million volumes of which 1 million volumes will come from the University of Minnesota.

Professor Gunn thanked Ms. Lougee for her report.

IV). Professor Gunn introduced the next agenda item, the role of the Senate Library Committee (hereafter SLC). Frequently, the committee has drawn on the resources of the Library to advise members about what is going on in the Library. Having said this, the SLC has not always fulfilled its charge relative to advising the Library. Professor Gunn suggested the committee may want to look at how it functions, and think about whether changes to the SLC charge and committee composition are in order.

Professor Gunn called on Renee Dempsey, Senate staff, to provide members with background information concerning the SLC. Ms. Dempsey stated that the University Senate was formed in 1911, and the SLC was formed in 1913. From 1913 until roughly 1970, the SLC was a faculty committee; there were no students, P&A or Civil Service members. Around 1970 student members were added to the committee, and later, with the reorganization of the Senate, P&A and Civil Service representatives were added. In addition, over the years, there have been changes in ex-officio representation on the committee. Ms. Dempsey distributed copies of the SLC charge for members to review (<http://www1.umn.edu/usenate/charges/librarych.html>). She pointed out that the committee is charged with looking at the University libraries on a system-wide basis.

Given that the Law Library and the coordinate campus libraries do not report directly to the University librarian, Professor Gunn suggested the committee think about its relationship to these libraries. Does the SLC charge reflect the way the committee works, and should the committee be taking a more active role in terms of reviewing and consulting/advising on policies and library administration?

Professor Gunn proposed the SLC look at three issues:

1. The role of the committee.
2. Scope of the committee's charge.
3. Composition of the committee. Does the committee's composition match its scope?

She further suggested that the SLC form an ad hoc committee to look into these issues.

A member supported Professor Gunn's suggestion to review the charge, especially in light of the fact that the academy is dealing with enormous change. The committee's role and composition should mirror the direction of the institution.

Ms. Lougee stated that when she reflects on previous agendas, many dealt with emerging concepts and trends that serve to inform the academy. Agenda themes proposed by the Library have focused on knowledge creation, management, and distribution within the institution. Increasingly, in Ms. Lougee's opinion, there is not an easy locus for these conversations. Professor Gunn's proposal to look at the role of the committee presents an opportunity to think about how the committee has evolved since its inception in 1913. The committee may want to think about whether it should be advising the library as an organizational entity or whether it should be advising the institution on broader issues in the knowledge arena. Ms. Lougee stated that from her perspective there has been a shift over the years in terms of how this group could be useful.

A member rhetorically asked whether the current composition of the committee, which represents eight academic disciplines, is sufficient in order to generate a broad range of issues/ideas.

The committee unanimously approved a motion to form a task force/ad hoc committee to look at the duties and responsibilities of the SLC. Professor Jennifer Alexander volunteered to chair this committee, and David Jordan, Isaac Fox and Mary Beth Sancomb-Moran agreed to serve on it. Professor Gunn requested the ad hoc committee be prepared to share their findings with the full committee at either the November or December meeting and lead a discussion on what they propose the role of the SLC should be.

V). Other business:

a). Professor Gunn reported that Professor Halley emailed her with ideas for upcoming agenda items. She stated that she would circulate the agenda items raised by his message, and encouraged members to suggest additional items as well.

b). A member requested that the minutes reflect the October 6th Minnesota Daily article on the University's rare book collection - <http://www.mndaily.com/2009/10/06/university's-rare-book-collection-held-deep-underground>

VI). Hearing no further business, Professor Gunn adjourned the meeting.

Renee Dempsey
University Senate