

LIBRARY COMMITTEE  
MINUTES OF MEETING

April 13, 2011

Morrill Hall room 238A

[In these minutes: letter to the Provost re: funding and physical space; Google books settlement update; digital preservation strategies; committee business]

[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:

Neil Olszewski (Chair), Wendy Lougee, Vicki Graham, LeAnn Dean, Jennifer Alexander, David Zopfi-Jordan, Owen Williams, Peter Hudleston (for David Fox), Mary Beth Sancomb-Moran, J. Woods Halley, Michelle Englund, Elizabeth Fine, Bill Sozansky, Suzanne Thorpe (for Joan Howland), Monica Howell, John Logie, James Orf, Jonathan Binks

REGRETS: Danielle Tisinger

ABSENT: Ted Higman, Ronald Hadsall, Joseph Spanjers, Bradford Clemens

GUESTS: Jon Nichols, Library Information Technology Supervisor; John Butler, Associate University Librarian for Information Technology

Professor Neil Olszewski called the meeting to order, welcomed those present, and introduced guests: John Butler, Associate University Librarian for Information Technology, and Jon Nichols, Library Information Technology Supervisor. He then briefly reviewed the agenda.

**Letter to the Provost re: Funding and Space for Physical Collections**

Professor Olszewski provided the Senate Library Committee (SLC) with the draft letter to Provost Tom Sullivan expressing the SLC's concerns about funding and space for physical collections. He explained that he tried to capture the committee's recommendations in the letter, and that he drafted it in collaboration with University Librarian Wendy Lougee. He asked the SLC for feedback on the draft letter.

DRAFT

April 10, 2011

I am contacting you in my capacity as chair of the Senate Library Committee to express the committee's concerns and recommendations regarding two significant interrelated issues confronting the university's Libraries. The first issue is that the Libraries are running out of space for housing the physical collection. Even with its emphasis on acquiring digital publications instead of physical material, the physical collection is growing at a rate of over 100,000 volumes per year. It is our opinion that for the Libraries

to effectively fulfill its mission continued growth of the physical collection is unavoidable. The current library spaces are at, or near capacity, which has forced the Libraries to renovate space in the West Bank Office Building and lease storage space in Printing Services. Creating multiple storage spaces is a less than optimal solution to this problem both with respect to cost and the inefficiencies of retrieving material from multiple sites. Since the need for finding additional space will continue into the foreseeable future, it is important that the University of Minnesota begin moving towards a more effective and economical solution to this problem. This committee recommends that the University of Minnesota make acquisition of additional environmentally controlled storage (e.g., construction of a third storage cavern) a top priority in its capital planning.

Additional environmentally controlled storage will also serve as a partial solution to the other issue facing the Libraries, which is preservation of the physical collection. The Libraries estimates that about 30% of the print holdings are brittle or damaged. The Libraries are using several strategies to address this problem. These strategies, which are not mutually exclusive, include digitization of sensitive material, cooperation with other institutions to develop shared and coordinated solutions, conservation treatment of unique and rare material, and storage of sensitive material in an environment, such as the storage caverns, that reduces/stops the degradation process. These strategies are in line with direct recommendations of the consultant's report that the University Libraries received in 2010. Effective implementation of these strategies requires additional staff and funding. Therefore this committee recommends that that University of Minnesota recognize the importance of protecting the Libraries physical collections and commit additional funds for preserving these assets.

Ms. Lougee commented that the letter takes into consideration relative current and expected commitments with respect to preservation and space. She stated according to the 2009 Association of Research Libraries data, the University Libraries compares favorably to other universities on preservation commitments. Ms. Lougee also noted the Libraries' 2010 commitment of \$250,000 towards new preservation models, commitments to digital preservation, working consortially with the CIC, and hiring an individual to work on preservation strategies. With regard to space, Ms. Lougee stated that the Libraries are negotiating a contract to outfit and lease space in the Printing Services Building. The difficult issue is funding these initiatives in the context of a three percent budget cut.

Professor Olszewski stated that the issues of space and preservation are interrelated. He noted that the deterioration process is stabilized if materials are kept in an ideal environment, and he asked Ms. Lougee to compare the Printing Services Building with the caverns. Ms. Lougee responded that the Printing Services Building is climate controlled, but it is not equivalent to the caverns. But she stated that the likelihood of getting a cavern on the capital plan is very low. Professor Halley encouraged pursuit of a cavern. Professor Olszewski suggested the SLC should encourage support of the Printing Services space as a short-term plan, and the cavern space as a long-term plan.

Professor J. Woods Halley asked how much the rate of decay decreases with good quality storage. Ms. Lougee responded that good quality storage brings a greater likelihood of slowing deterioration, and she would provide Professor Halley with data on this. She noted, however, that once the deterioration process begins, it cannot be reversed.

Professor John Logie stated the letter should be more persuasive and devote more attention to why the Libraries' collections are growing. The letter should indicate that growth of the collections is positive. Professor Michelle Englund asked that information be added about how deterioration is slowed by cavern storage. Ms. Lougee commented that 80% of the libraries have good environmental controls. The libraries that have climate control problems are primarily on the St. Paul campus.

Ms. Lougee noted that running a cavern is more cost effective because less intervention is required to maintain a stable temperature. Bill Sozansky noted that the cavern is also a good solution from an operational standpoint because the materials are co-located.

Professor Jennifer Alexander asked if the Libraries' mission is to keep growing. Ms. Lougee responded that in the past libraries kept everything, but with the possibility of shared storage, and preservation backup services, libraries are able to be more thoughtful about what is being kept. She noted that the growth rate of the University Libraries might be more attenuated in the next five to ten years.

Professor Alexander suggested including information about the Libraries' mission to support the letter to the Provost. Professor Logie stated the letter should include information that digitizing materials does not mean that the Libraries no longer keep the physical copies. He also expressed the concern that including specific numbers in the letter, might leave the Libraries open to budget cuts.

Owen Williams noted that the mission of the coordinate campus libraries differs from that of the University Libraries, and the coordinate campus libraries rely on the University Libraries to hold the physical collections.

Professor Alexander questioned whether the letter conflates the request for space and money for preservation. Ms. Lougee responded that discussing the issues of space and preservation together serves the purpose of expressing the SLC's priority of reallocating toward preservation. Professor Olszewski stated he would redraft the letter to include the Libraries' mission, justify why the growth in collections supports the mission, and how the Printing Services and cavern space help the deterioration issue.

### **Update on Rejection of Google Books Settlement**

Ms. Lougee provided the SLC with a power point presentation on the rejection of the settlement in the Google Books lawsuit. She began her presentation with background on Google Books. She stated Google has 21 library partners including the CIC, and University of California system. It also has publisher partners. Under its agreements with library partners, Google scans and indexes out-of-copyright and in-copyright works. The out-of-copyright works are fully displayed. In-copyright works display "snippets" of text as search results with links to where the works can be purchased or found in the nearest holding library.

Under the CIC agreement, Google would scan ten million volumes in addition to volumes from the University of Michigan and the University of Wisconsin. Digital copies of these works are placed in the Hathi Trust for preservation and access.

Two lawsuits were brought against Google, one by the Author's Guild and one by Association of American Publishers. These suits charge that digitization of in-copyright works in order to "drive" a search engine is an infringement of copyright. Google claims it is fair use. In 2008, Google and the plaintiffs proposed a settlement designed to return revenue to the copyright holders and offer the broadest access to in-copyright works. The framework of the proposed settlement follows:

- Authorizes Google to continue scanning,
- Allows display of in-copyright, out of print works. This is approximately 75% of the works,
- Creates a registry for rights holders,
- Creates a revenue stream for rights holders,
  - Revenues from product sales and advertising,
  - Revenues split between rights-holders and Google,
- Creates two "research corpus" sites for non-consumptive research uses, and
- Creates public and subscription access.

Professor Olszewski asked what the University of Minnesota receives back from Google in digitized form. Ms. Lougee responded that the University receives all of the works that are not in copyright. The in-copyright items are held in escrow.

Ms. Lougee then explained the court's rejection of the proposed settlement. The court held that the settlement was "not fair, adequate, or reasonable." It did not, however, address the issues of anti-trust, international law, or copyright law raised by the parties. The court also found the settlement constituted a "forward-looking business arrangement" giving Google special market advantage, covering past infringements and also regulating the future. The court found this was beyond the scope of the litigation. With regard to orphan works, the court held that the settlement went too far giving Google "a de facto monopoly over unclaimed works." The court suggested the litigants could renegotiate the settlement by changing its provisions for author participation from opt-out provisions to opt-in provisions.

Ms. Lougee noted that the options for the parties are to appeal, revise the settlement agreement, or continue to litigate. She asked Jonathon Binks to comment on the case. Mr. Binks stated the courts opinion was purposefully short to encourage the parties to return to the bargaining table. Professor Halley asked if there was any likelihood that Congress would take action on the issue. Ms. Lougee indicated this was not likely. Professor Alexander commented that if the settlement has an opt-in provision it might decrease the value of the collection. Ms. Lougee concurred that an opt-in provision might eviscerate the comprehensiveness of the corpus and make it more difficult for Google to sell it. Professor Logie expressed concern about the scale of the Google enterprise and suggested pressure should be directed toward Congress regarding orphan works. Professor Olszewski asked the SLC if it would like to recommend that the

University lobby for congressional involvement in the issue. Professor Logie stated legislative action is needed and suggested the Library of Congress might become involved with the issue. Ms. Lougee suggested the committee invite a speaker to provide them with an overview of copyright law before they make any recommendations. Professor Olszewski indicated this would be a future agenda topic for the SLC.

Professor Olszewski next asked why rejection of the settlement agreement does not impact the Libraries' existing agreements with Google. Ms. Lougee stated it is up to the plaintiffs to further pursue the original suit.

### **Digital Preservation Strategies**

Mr. Butler and Mr. Nichols provided the SLC with a power point presentation on the Libraries' digital preservation strategies. Mr. Butler stated that the framework for planning the University Libraries preservation program is policy driven. It relies on industry standards and global best practices. The solutions must be affordable and sustainable. They must be right-sized for the problem being addressed. Part of the digital preservation solution requires collective action.

Mr. Butler stated the frameworks for analysis and selection of digital preservation strategies are: the Open Archival Information System (OAIS) reference model and the Trusted Repository Audit and Certification (TRAC). OAIS is a model for both archiving digital and print materials. It stresses the importance of strong organizational teams, shaping the needs of the service to a designated community, the intake of information, and the storage, access, and dissemination of information. Mr. Butler noted that preservation is done to insure access to information over time. He stated the information being maintained within the OAIS framework is deemed to require long-term preservation. Long term may extend indefinitely and is concerned with the impacts of changing technologies.

Mr. Butler next showed a flowchart addressing the critical elements of archival storage from the intake of information to accessing it. He highlighted procedures for disaster recovery and integrity checks. This led to committee discussion of error checking mechanisms for files. Professor Olszewski asked if there is a standard protocol for when the bits do not agree between two machines. Mr. Butler responded it is important to capture the fingerprint of the material on ingest and then multiple copies are made of the archival copy. This is where preservation metadata is involved. Every time there is a change to the object, information is captured about the change so that an audit trail of the history of the object is maintained. Comparisons are then made between the copies by polling the copies. Mr. Nichols explained further that LOCKSS (an acronym for the digital preservation system built on the concept that "Lots of Copies Keep Stuff Safe"), the underlying technology to the meta-archive, produces seven copies. The frequency of the integrity checking depends on the business process agreed to by the parties and the amount of information being preserved. He stated some private LOCKSS systems check data monthly.

Professor Alexander asked if there is a protocol for checking the digital copy with the original print copy. Mr. Butler responded that this goes to the quality control issue of whether the original digital copy is true to the original artifact. He noted the University is currently involved in a study examining the quality measures related to purposes for use in large-scale digital libraries. The University will be participating in a grant-funded project to analyze the quality of 5000 digital copies (from the Hathi Trust) against their original to look at the quality of the reproductions and the necessary quality for the intended purpose of the data.

Professor Olszewski asked if the OAIS model is evolving. Mr. Nichols responded that OAIS is used as the base and there has been work done on top of it.

Mr. Butler next discussed a slide entitled Hathi Trust OAIS compliance. He noted that Hathi Trust wanted to be in full OAIS compliance, and discussed technology used for object validation and archival storage. He stated Hathi Trust uses state of the art Isilon Systems storage technology. This uses fully synchronized site replication. It is always checking the integrity of the files. All of the hardware in the Hathi Trust storage facility is refreshed every three years. There are two copies of the data in the Hathi Trust. There is a tape back up several miles away from the hardware located at University of Michigan, and a fully synchronized on line version at the University of Indiana.

Mr. Butler then discussed the Trusted Repository Audit and Certification (TRAC), a certification process for trusted repositories. He stated the certification process for trusted repositories stresses auditable preservation methods through a rigorous review process. From an organizational standpoint, the essential requirements of digital repositories are that they:

- commit to maintain digital objects for an identified community,
- demonstrate organizational fitness to fulfill its commitment,
- acquire and maintain contractual and legal rights,
- have an effective, efficient policy framework,
- maintain digital object stewardship that adhere to policy.

From a technical/systems standpoint TRAC requires the system:

- ensures integrity, authenticity and usability of digital objects,
- creates and maintains requisite metadata about actions taken on digital objects, during preservation,
- fulfills dissemination requirements,
- has a strategic program for preservation, and
- has the technical infrastructure to maintain and secure digital objects.

Hathi Trust and Portico, two of the three large-scale digital preservation systems, have completed this certification. Professor Olszewski asked if Google had received certification. Mr. Butler responded that it had not sought certification and the University is not relying on it as a trusted repository.

Mr. Butler next discussed the elements of the digital object preservation processes. They are:

- multiple copies,
- geographically separate locations,
- continuous synchronization,
- verification, and
- repair for corruption and bit-level errors.

He stated the preservation process must be policy driven, cost effective, sustainable, and scalable. Mr. Butler commented that the University is working on its preservation policy, and it is not convinced of the need to build a digital repository systems entirely of its own.

Due to time constraints, Mr. Butler ended his presentation early. It was determined he would complete it at the next SLC meeting.

### **Old Business**

Ad hoc Open Access Committee – Professor Olszewski reported that Professor Jeffrey Kahn was selected as the chair of the Open Access Committee and the committee had its first meeting.

CIC Proposal Regarding Scholarly Publishing and Communication – Professor Olszewski reported that he would speak with Ms. Lougee regarding the timing of presenting the CIC Proposal to Provost Sullivan

Long-term Digital Preservation – Professor Olszewski noted that Professor Halley requested the SLC return to the issue of long-term digital preservation, and asked Professor Halley to further explain the issue. Professor Halley stated that many libraries in the United States are not considering the issue of long-term preservation mechanisms capable of surviving without electricity and maintenance, but they are being considered in Europe. He expressed concern that the current long-term preservation structures require elaborate infrastructure and maintenance, and stated that it is unrealistic to expect that this type of system will last for a 100 years. He stated further that it is irresponsible of library systems not to think beyond 100-year time scales. He noted that there has been substantial progress on these issues in Germany.

Mr. Nichols commented that he is aware of the research on digital microfilms and silicon wafer technology mentioned in the abstracts provided by Professor Halley. But he noted that at this point it is only research. Ms. Lougee suggested Mr. Butler and Mr. Nichols meet with the committee next month to further discuss the topic of alternative methods of long-term preservation.

Hearing no further business, Professor Olszewski adjourned the meeting.

Dawn Zugay  
University Senate Office

