

LIBRARY COMMITTEE
MINUTES OF MEETING
OCTOBER 1, 2008

[In these minutes: "Get It," SMART Learning Commons and Library Media Center in Walter Library, Friends of the Library Update, Miscellaneous Items, Copyright Ownership Policy, Library Compact]

[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: Jay Hatch, chair, Jonathan Binks, LeAnn Dean, Suzanne Thorpe for Joan Howland, Wendy Lougee, Bill Sozansky, Owen Williams, Juliette Cherbuliez, Isaac Fox, Jennifer Gunn, J. Woods Halley, Anatoly Liberman, James Orf, Zhirong Zhao, Farzad Sadjadi

REGRETS: Stephen Gross, Nora Paul, Danielle Tisinger, David Zopfi-Jordan

OTHERS ATTENDING: Mary Beth Sancomb-Moran

I). Professor Hatch called the meeting to order, and welcomed those present. Following introductions, Professor Hatch took a few minutes and reviewed the committee's charge with members (<http://www1.umn.edu/usenate/charges/librarych.html>).

II). Members unanimously approved the May 7, 2008 minutes.

III). University Librarian's report – Ms. Lougee highlighted developments that have taken place since the committee last met in May 2008:

- "Get It," a book delivery service for University of Minnesota Twin Cities patrons was rolled out last spring (<http://www.lib.umn.edu/site/getit.phtml>). "Get It" expands existing book delivery services by enabling automatic generation of requests from the Libraries' catalog. While the earlier service handled approximately 900 book delivery requests per month, "Get It" has logged an average of 3,300 delivery requests per month since it was launched. CLA, College of Education and Human Development, Graduate School and the Institute of Technology are among the heaviest users of this service.
- The grand opening for the new SMART Learning Commons and Library Media Center (<http://lib.umn.edu/smart/walter/>) in Walter Library took place on September 24, 2008. The SMART Learning Commons program is a partnership with the Vice Provost for Undergraduate Education, the Libraries, collegiate units and other services that bring together an array of academic support services under one roof.
- The Library has experienced, for a variety of reasons, a diminution in the income it earns by providing services, e.g. document delivery to external clients.

Working with a consultant to assess the market for these fee-based services, the Libraries have also taken steps to bring efficiencies to the service and expand the service portfolio. These revenues play a role in the overall financial health of the Library.

- The Friends of the University of Minnesota Libraries will host a dialogue with Sam Hynes and Dave Wood on Tuesday, October 7 at 7:00 p.m. in the Elmer L. Andersen Library. Three years ago, the Libraries development program drew approximately \$500,000 per year. Last year, the Library received close to \$3.3 million in gifts, which is up from \$2.4 million in 2007. Some of these gifts are gifts-in-kind.
- The University's new debit system that supports the Libraries' photocopying operations is not meeting the functionality of earlier systems and Senate Library Committee members reported problems. Every effort is being made to correct this problem.

A member voiced concern over the recent transfer of volumes from Wilson Library to the Minnesota Library Access Center (MLAC). Ms. Lougee noted that this committee was informed about the proposed transfers at its October 2007 meeting, and, in addition, all departments were notified about collection areas under review for storage. Faculty and other library users were invited to review the titles proposed for transfer and were given the opportunity to request that certain titles remain in Wilson Library. Titles that are required for more active use can be reviewed for return to campus libraries.

This same member also voiced concerned about certain journals being cancelled. Review of journals is an ongoing process and cancellations occur as needs change. Ms. Lougee reminded the committee about the policy for making electronic subscriptions the default for journals. This policy change was shared with the committee for review at its December 2007 meeting. She added that the Libraries have not had to engage in large-scale journal cancellations in recent years. Members were encouraged to talk with their library liaisons regarding their journal requests.

Several members of the committee reported hearing very negative feedback about the new MNCAT Plus interface to the Libraries Catalog. Ms. Lougee noted that the earlier interface (MNCAT Classic) is still available and that the new interface had undergone significant user testing. The Libraries need ongoing feedback to adapt the system to user needs and she noted that the Libraries will follow up on the concerns expressed about the functionality for known-item searches.

IV). Ms. Lougee reported that the administrative copyright policy will be brought to the University Senate tomorrow, October 2, 2008. She added that the public comment period for this policy ends on October 4, 2008.

By way of introduction, Ms. Lougee explained that copyright law gives ownership of work created by an employee to the employer, which is also known as "work for hire." Having said this, there is a longstanding tradition within the academy called the "teacher exception," which gives teachers ownership of their academic work.

Last year there was a decision to split the Board of Regents' (BOR) intellectual property policy 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 all the details of the BOR copyright policy, Ms. Lougee noted that the policy upholds the teacher exception by giving faculty and faculty-like employees ownership of their academic works, and students ownership of their works created in the course of their study. Ms. Lougee noted that the policy also includes the construct of "directed works" through which the University would have copyright of works when three conditions are met:

1. The University makes a specific request for a work;
2. Substantial University resources are invested in the work;
3. The University and faculty member agree to the "directed work" arrangement.

There is also a principle in the BOR copyright policy that encourages individuals that have copyright to manage their copyright in such a way so as to give the broadest possible access.

With respect to the administrative copyright ownership policy that will be brought to the Senate for action tomorrow, this policy basically explicates the BOR policy. The draft administrative policy has been endorsed by the Senate Research Committee, and endorsed by the Senate Committee on Faculty Affairs (SCFA) and the Faculty Consultative Committee (FCC) with two recommendations for change:

1. The directed work agreement must be in writing;
2. While the draft policy recommends a copyright-specific committee to handle disputes, FCC questions whether such a process can be accommodated within the University's existing conflict resolution process to deal with copyright issues.

Will these policies allow individuals to be able to take advantage of the TEACH Act asked a member? The TEACH Act includes provisions for use of copyrighted material in distance-education settings. Ms. Lougee noted that the Office of the General Counsel previously concluded that the provisions of the TEACH Act require the existence of a campus copyright policy. The full implications of the policy and the TEACH Act have not yet been addressed by Council.

The copyright committee made several other recommendations including:

- Increase understanding of models for managing copyrights, including open access strategies must be given to issues of openness.
- Expansion of the Libraries' infrastructure for education programs and consultation services.
- Attention to the University's policies and strategies for online education programs.

A member asked whether any progress has been made concerning educating faculty and students about copyright issues. Yes, stated Ms. Lougee, the Library has a presentation

to new faculty at orientation. In addition, the Library has a website addressing copyright (<http://www.lib.umn.edu/copyright/>), and beginning this fall all the departmental library liaisons will have a brochure to share with faculty related to authors' rights. The Library is also planning to hire a program director who will specifically have publishing and copyright consulting and education responsibilities.

V). Ms. Lougee stated that under the new budget model, the Library is categorized as a cost pool, and its budget is based on the weighted headcount of the colleges. In order to provide colleges information on cost pools prior to the development of their budgets and compact requests, the compact/budget process for the cost pools is sequenced first. The compact process requires the Libraries to submit a statement of programmatic priorities, along with identification of critical financial needs on a two-year cycle.

Ms. Lougee turned members' attention to a PowerPoint handout, and began by providing some background information concerning the Libraries' budget. Most of the Libraries' assets fall into two categories, noted Ms. Lougee, the collections, and salaries/fringe. Sharing comparative data on collection expenditures, she noted that some libraries that are ranked higher than the University of Minnesota Library have larger endowments and that income is reflected in the ratings. In the 1940s, the University of Minnesota Library was the 6th largest research library in North America. Since that time, however, the Libraries ranking has fallen.

To put this discussion into context, Ms. Lougee highlighted the following:

- There is a high level of volatility in the publishing industry as new models for distribution, new format/genre, and new rights models unfold.
- There is an increased demand, on the part of all disciplines, for digital content and the technology infrastructure for using these resources.
- The Library is dealing with significant changes in research methodologies, which it needs to be able to support in a more robust manner.
- There has been substantive legislative attention given to "open access" of federally funded research.
- Library facilities usage has increased 8.5% compared to last year.
- The Library is facing challenges recruiting given the highly competitive marketplace. Other institutions are able to offer higher salaries than the Library.
- The Library is increasingly being engaged in the University's priorities, e.g. student learning outcomes.

Three requests are proposed in the compact/budget for the Libraries:

- A salary program for staff.
- A collection budget increase to meet current inflation.
- A request to address access and preservation needs of geospatial data.

The three proposed priority themes for fiscal year 2010 include:

- The Libraries will facilitate the creation, use, and sharing of knowledge resources through a three-fold strategy, collection development, educating/consulting programs (copyright and publishing), and technology infrastructure.

- The Libraries will expand its support of collaborative and interdisciplinary research through new infrastructure to manage and preserve research data.
- The Libraries will integrate information literacy competencies into curriculum and practice and provide programs, facilities, and services to facilitate student learning outcomes and goals of liberal and professional education.

Ms. Lougee noted that the collection inflation costs are estimated at 10%. Through cost containment and license negotiations, this figure has been reduced to 7% or approximately \$980,000. Funding below the inflation level would require reductions in journals, monographs, and electronic licenses. For example, a \$100,000 shortfall translates into cutting approximately 120 journal subscriptions or roughly 2,000 monographs. A \$500,000 shortfall would require that roughly 600 journal subscriptions or 8,000 monographs be cut. Ms. Lougee asked the committee for input. Members were asked:

- How strongly does the committee feel about whether the Library should ask for its full inflationary need in order to retain its current buying power?
- Should the collection be supported at the expense of staffing?

Members struggled with these very difficult questions. Members' comments and questions included:

- It would be really hard to cut staff, and knowing that with other institutions offering higher salaries than the University, the Libraries would lose its tacit knowledge. Library staff are already stretched thin.
- If the Libraries' collections budget were to be cut, would its inter-library loan expenses increase? Ms. Lougee reported that recent reports indicate that borrowing has been fairly steady, but there has been an increase in lending. (The University is the largest lending library in North America).
- Innovative, professional staff who can help faculty and students are critical. A testimonial of a member's personal experience with her library liaison who changed the way her department views the library was shared. Collections can be recouped. There is no point in recouping collections, without staff to manage the collections and to help faculty, students and researchers do innovative research.

Ms. Lougee noted that the Libraries have approximately 100 fewer FTE than peer institutions. The problem with cutting the collections is that individual decisions need to be made around what needs to be cut, which requires more staff time. Ironically, if the collections budget is reduced, more staff time is needed to manage the collections.

The compact should highlight programmatic priorities. In addition, the Libraries were asked to address how its budget could be reduced by 1% noted Ms. Lougee.

Other comments included:

- Given a choice between cutting collections or staff, collections should be cut.
- The IT staff within the Library should definitely not be cut.
- More joint licensing should be done with other institutions as a way to achieve better pricing.

Ms. Lougee noted that the Library spends about \$10.8 million on serial subscriptions (paper and electronic), which includes databases. Roughly \$4.5 million of this \$10.8 million is spent on 3 publishers, Elsevier, Wiley, and Springer. These packages are large and include thousands of journals. Inflation caps (5%) are negotiated into these contracts. Often these contracts stipulate that if the Library cancels journals that the price of the remaining journals increases. Therefore, approximately half of the Libraries' serial spend is constrained by these agreements.

Members' comments continued:

- As a money saving measure, would it be possible for the Library to purchase secondhand materials? The Library is able to do this on occasion, noted Ms. Lougee, but often out-of-print materials are not available or prices through out of print dealers are high.
- Has the Library explored offering "print on demand" services? Ms. Lougee stated that these services are constrained by licensing agreements and copyright law.

Ms. Lougee stated that the compact will also highlight the Libraries' significant financial concerns. Members' attention was turned to a handout that contained this information.

Professor Hatch summarized today's discussion. He reported hearing that staff should definitely not be cut. In addition, while members talked about how the collections could be cut, there was no real resolution about how to do this. Would it be too bold, proposed Professor Hatch, that for a university that strives to be among the top 3 public research universities in the world, that the committee take the position that the University should not cut the Library?

A member asked whether a statement from this committee would serve to support the Libraries' compact request. Ms. Lougee stated that in the compact, groups that have been consulted with are identified and the Senate Library Committee is one aspect of the consultation plan and feedback solicited. The compact needs to be submitted by October 14th, and the Libraries' hearing will be October 29th. Preliminary compact decisions will be made around the end of December. Ms. Lougee stated that she would be happy to carry the sense of today's discussion forward to the compact hearing.

Professor Hatch asked whether the committee is interested in making a carefully crafted statement that expresses the view that the Library should not be cut. A member stated that given the state of the world economy, it does not seem wise to make such an unrealistic request. Making such a request would make it appear that the committee did not have a thoughtful discussion about the Libraries' compact when in effect it really did.

Ms. Lougee suggested using the minutes to capture the sentiment of the committee. Professor Hatch stated he would review the minutes to determine if a statement can be drafted that can convey this sentiment. A member added that any statement should clearly communicate the data, which suggests that the Library is finally recovering its ranking status when compared to other institutions, and this fact will serve to help the

University achieve its goal of becoming one of the top three public research universities in the world.

VI). In light of time, Professor Hatch adjourned the meeting.

Renee Dempsey
University Senate