ASSOCIATION of SOUTHEASTERN RESEARCH LIBRARIES

Meeting Minutes
ASERL Fall 2011 Membership Meeting
November 14-15, 2011
Renaissance Midtown Hotel
Atlanta, Georgia

Monday, November 14, 2011
1. **Call to Order, Welcome & Introductions.** ASERL Board President Sarah Michalak called the meeting to order at 1:06pm ET. Participants introduced themselves. (see participant list in Appendix.)

2. **Update: ASERL's Journal Retention Program – Paula Sullenger (VPO / Auburn University) & John Burger.** (see handout) So far, 22 ASERL libraries have joined this program. Participating libraries are selecting print journals they agree to retain until 2035. This program has exceeded its initial goal of securing retention commitments for 1500 print journal titles. To date, ASERL members have proposed retaining 2700 titles, in addition to the 1500 titles already retained by the TRLN libraries. Next steps: Developing tools to manage these retention commitments, such as a web tool to create retention/weeding lists. Also need to determine how to handle retention of duplicate items, how to fill gaps, and how to disclose the retention agreements within bibliographic records.

3. **Update: ASERL Collaborative Federal Depository Program – Judy Russell (U-Florida).** Recent issues with GPO remain unresolved. Seeking a meeting with GPO senior management. Program implementation continues apace while discussions with GPO are underway. We may seek assistance from ASERL members in contacting their Congressional delegations if GPO continues to impede progress. If so, ASERL will provide talking points to help guide such discussions.

4. **Update: Possible Changes to ARL Statistics – Bill Potter (U-Georgia).** Bill is Chair of ARL's Assessment Committee; they are proposing to streamline ARL's annual Statistical Survey to focus on how the library adds value to the educational enterprise. If implemented, the survey would be reduced to titles & volume counts, financial information, and some info about the number of user transactions. Salary survey needs to focus on improving job descriptions.

   For the current year, ASERL will collect each library's stats via a spreadsheet that will be distributed via email. ASERL is talking with ARL staff about possibly outsourcing the data collection & hosting to ARL.

   In the discussion it was agreed that ASERL members should come to consensus on which data elements they use from the annual stats. This should guide decisions about which data gets collected in the future. If no one is using certain data items, ASERL may stop gathering that info.

5. **Discussion: Future Growth for ASERL – Sarah Michalak (UNC Chapel Hill, ASERL Board President**). (see handouts) There is consensus among Board members that ASERL has benefitted greatly from having a part-time program coordinator to guide the development of the gov-doc project. This position is funded by ASERL's $650K IMLS grant, which will end in Sept 2012. The Board proposes ASERL members self-fund the continuance of this position via a dues increase to ensure continued programmatic growth. Initially this position would focus on the journal retention program and the continued development of the gov-doc program, but eventually it would support other initiatives such as subject liaison training initiatives, collaborative programs to support area studies, and others – see prospectus for details.

   Sarah asked to conduct this discussion in two parts: Today would focus on the perceived need/benefits to be gained from additional staffing. If there is consensus, tomorrow's discussion would focus on how to structure the funding models.

   Discussion: Wide agreement that these programs are important and valuable. Programs such as the gov-doc project and the journal retention program save ASERL members time, space, and money. The part-time staff person would not supplant the Visiting Program Officer (VPO) role, which is used to provide short-term subject matter expertise.

   Motion/Second (Lance Query/Laurie Probst) to accept the prospectus to enhance ASERL's staffing. Vote: 33 in favor, 1 opposed, 1 abstention.

6. **Presentation/Discussion: Education, Copyright & Fair Use: The Way Forward. Peter Jaszi (American University College of Law) and Lisa Macklin (Emory University).** Fair use has been part of copyright law since the middle of the 19th century, allows limited uses of copyrighted material for teaching purposes. The interpretation of the law has varied over time; we now seem to be in a period when content owners are exerting greater influence over the use copyright – content is covered under copyright for very long periods of time, the limits on what is being allowed under fair use seem to be increasing, and penalties for infringement are more severe in US than others countries. The emerging need to preserve online content, the status of material deposited in institutional repositories, and the ability to provide content to people with disabilities all are factors when determining fair use.

   Peter and colleagues are drafting a set of best practices to document permissible fair uses of copyrighted content in educational settings. This guide will be released in 2012 and will include "road show" events to identify ways these practices can be implemented on a local level. Peter emphasized the importance of having a set of well-established fair use practices is important in guiding future court decisions – they are critical in demonstrating that creators are not harmed by such uses. ASERL will explore options for hoisting a "road show" event in 2012.

   Recent Court Cases: Peter talked about the *Authors Guild vs. HathiTrust* suit that was recently filed. He believes the scope of their relief is very far reaching, asking for the complete disgorgement of all materials these libraries have received as a result of prior digitalization projects. He believes this case is based on a serious misstatement of applicable law.

   Lisa Macklin discussed other ongoing cases.
   - *GSU e-reserves case.* Three publishers (Cambridge, Oxford, and Sage) have sued Georgia State University for copyright infringement for the use of materials within their e-reserve system, with support from Copyright Clearance Center. Plaintiffs have asked for an injunction to limit GSU from putting materials on the reserve unless it directly supports classroom use. This would also require items on reserve to pay the same permissions fees as materials in course packs. Arguments closed in summer 2011; not sure when judgment will be issued.
   - *American Psychological Association & Sage vs. Copymart* (a photocopying shop in Seattle). Plaintiffs claim unlawful duplication of materials. Copymart is pulling in faculty for whom they

made the copies because the faculty had signed affidavits indicating all permissions had been secured.

- *Ambrose Video vs. UCLA*. Plaintiffs allege that UCLA violated copyright by creating online streaming versions of Shakespeare videos that they had purchased from Ambrose on CD-ROM. Plaintiffs claim this is a public performance that is forbidden. Lisa notes that Sections 110.1 and 110.2 and fair use all permit public performances – and UCLA eventually prevailed in this case -- but these exceptions can be waived by licensing terms. This requires libraries to be vigilant regarding contracts/licensing terms to ensure they support uses for teaching and the classroom.

7. **Recess for the day.** The meeting recessed at 4:40pm ET. Optional tours of the Clough Commons building at Georgia Tech were offered. Reception at GT Library.

Tuesday, November 15, 2011

8. **Reconvene** – Sarah Michalak reconvened the meeting at 8:32am ET.

9. **Discussion/Possible Vote – Options for Future ASERL Dues Structure.** (see handout)
Given the strong support for an additional part-time staff position in yesterday's discussion, the discussion focused on how to structure the dues to pay for this. The ASERL Board provided two models – one "flat" model (all members pay the same amount) and one "proportional" model (part of the cost is spread evenly across all members, part is prorated based on each library's total operating budget.) There was broad support for the flat structure – many felt that all ASERL members are equal, and should pay the same amount. NCSU, UVA (represented by proxy), and Emory were opposed to the dues increase.

Motion/second (Lance Query/Barry Baker) to accept the proposed budget and increase dues starting July 1, 2012. Vote: 32 in favor, 4 opposed 1 abstention.

Motion/second (Winston Tabb/Sylverna Ford) to cover the budget using a flat dues system. Vote: 33 in favor, 0 opposed 3 abstentions.

10. **Proposal: ASERL-SURA Data Policy Watch – Tyler Walters (Virginia Tech).** (see handout)
Proposed an initial method for working with the SURA (Southeast Universities Research Association) that may lead to a broader collaboration between the two groups. This activity would create a policy watch group to monitor changes in federal policies regarding data management. First activity would be to provide information & discussion forum regarding recent Request For Information (RFI) from White House regarding open access to scholarly publications and data emanating from publicly-funded research. Many libraries expressed interest in this activity; John Burger will post a formal call for participants via email after the meeting.

11. **Discussion: UF Academic Library Recruitment Efficacy & Outcome Study – Judy Russell.** (see handout) This project tracks the success rate of searches, identifies successful advertising channels for staff recruitment, tracks the diversity of candidate pools, and provides model language for job descriptions. Other schools are welcome to participate – see handout for more info.

12. **Update: Berlin 9 Conference.** Conference was held in DC area in October. Winston Tabb (Johns Hopkins) described it as one of the most effective and useful meetings in memory; really focused on ways to create open access, not just advocacy. Expect an open access publication to compete with Nature in foreseeable future. Sarah Michalak read comments from her AUL who attended as well. Others indicated their schools had considered signing the Berlin Declaration but discussions had stalled for various reasons. There was agreement that support from ASERL for the Berlin Declaration could help re-start those discussions on members' campuses.

<u>Motion/second</u> (Jerry Stephens/Sylverna Ford) that ASERL officially supports the Berlin Declaration for Open Access. Unanimous support.   John Burger will notify Max Planck Society and post a press release to generate publicity for this decision.

13. **Update: ASERL Guide to Southern Barbecue – John Burger.** Prototype of mobile website is now online; full website will soon follow. Includes mapping functions to locate restaurant of choice. Additional content will be sought from ASERL libraries once system is functional. Project has been successful as a team-building exercise within many libraries, and across ASERL libraries within the project development teams.

14. **Update: HathiTrust Constitutional Convention.** (see handout) Several ASERL libraries were represented at the Constitutional Convention in October. Several resolutions passed that mapped out future developments for Hathi, in terms of governance/organizational development and programmatic growth. Hathi may revisit their processes for ingesting content from non-members; ASERL will monitor this issue to determine if an ASERL partnership with Hathi would be useful for members.

15. **Presentation/Discussion: The Relevancy of Research Libraries in the Future – A Provost's View. Jere Morehead, Provost, University of Georgia.**

    Jere has always thought that the Provost is an intermediary; an investor stewarding the university's budget; should be an educator because he has to support the mission of teaching and learning; a scholar working in conjunction with the library as source for research support. Provosts should never lose sight of this partnership between teaching/learning and the libraries.

    Provosts and librarians are challenged by a future with diminishing resources and dramatic changes in how faculty conduct research and teaching; technology is clearly driving this change. Jere finds the biggest challenges for libraries to be the ever-expanding array of scholarly journals and the continuing escalation of journal prices. He sees learned societies as contributing to this increase, such as the American Chemical Society. Jere and Bill agree that the solution must involve the faculty, as they serve as authors, editors, reviewers and readers of these journals. Challenge is to get faculty to understand how to retain their IP rights and support open access.

    Jere sees changes may be needed in the tenure process to support open access publishing. He also encourages libraries to experiment with new purchasing/licensing models for e-books to identify better models than existing for e-journals.

    Jere continues to see strong value for 'Library as Place.' UGA's Undergraduate Center is often called the Learning Commons and seen as the center of the campus – hhas become a very popular place to study and collaborate and used heavily at all times. Libraries continue to be seen as these places and not a place to store books. Additionally, UGA is about to open a new $45M special collections library to house and provide access to all special and rare collections. Jere sees this as a place for instruction and research, and the new facility helps to create important distinctions for UGA as an institution.

    Comments included efforts with other organizations (e.g., ARL, AAU) to address the escalating costs of research journals and resistance by learned societies to open access. ARL is also embarking on an initiative to license eBooks as one attempt to influence the market. It was also noted that scholarly societies are dependent to the money they receive from their journal income to support other activities. Jere is considering an idea: If society journals (e.g., chemistry and psychology) exceed 5% annual price increase, provost will reduce the departmental budgets by the overage. He thinks this might get faculty to pay attention to the workings of their societies.

16. **Wrap-Up:**
    - ASERL seeks volunteers for Nominating Committee and 2012-2013 Board. Need three people for each group. Contact John Burger if interested.

- ASERL Spring Meeting is April 11-12, 2012. Place = TBD. Suggestions welcome.
- Meeting evaluations to be sent via email – please provide constructive feedback.

17. **Adjournment.** Sarah Michalak adjourned the meeting at 11:32am ET.

Appendix – Attendee List
38 of 40 ASERL libraries were represented at this meeting**:**

1. **Air University:** Jeff Luzius
   American University College of Law: Peter Jaszi (guest speaker)
   ASERL: John Burger (staff)
2. **Auburn University:** Bonnie MacEwan, Paula Sullenger (guest speaker)
3. **Clemson University:** Kay Wall
4. **College of William & Mary:** Carrie Cooper
5. **Duke University:** Robert Byrd
6. **East Carolina University:** Larry Boyer
7. **Emory University:** Xuemao Wang, Lisa Macklin (guest speaker)
8. **Florida International University:** Laura Probst
9. **Florida State University:** Julia Zimmerman
10. **George Mason University:** John Zenelis
11. **Georgia Institute of Technology:** Catherine Murray-Rust
12. **Georgia State University:** Nan Seamans
13. **Johns Hopkins University:** Winston Tabb
14. **Mississippi State University:** Frances Coleman
15. **North Carolina State University:** Carolyn Argentati
16. **Tulane University:** Lance Query
17. **University of Alabama:** Lou Pitschmann
18. **University of Alabama at Birmingham:** Jerry Stephens
19. **University of Central Florida:** Barry Baker
20. **University of Florida:** Judith Russell
21. **University of Georgia:** Bill Potter
22. **University of Kentucky:** Terry Birdwhistell
23. **University of Louisville:** Bob Fox
24. **University of Maryland:** Tanner Wray
25. **University of Memphis:** Sylverna Ford
26. **University of Miami:** Yolanda Cooper
27. **University of Mississippi:** Julia Rholes
28. **University of North Carolina at Chapel Hill:** Sarah Michalak
29. **University of North Carolina at Charlotte:** Stanley Wilder
30. **University of North Carolina at Greensboro:** Rosann Bazirjian
31. **University of South Carolina:** Marna Hostetler
32. **University of South Florida:** Bill Garrison
33. **University of Tennessee – Knoxville:** Steven Smith
34. **University of Virginia:** represented by proxy – NCSU/Carolyn Argentati
35. **Vanderbilt University:** Connie Vinita Dowell
36. **Virginia Commonwealth University:** John Ulmschneider
37. **Virginia Tech:** Tyler Walters
38. **Wake Forest University:** Lynn Sutton

ASERL Members Not Present: Library of Virginia, Louisiana State University.