



**ASERL 2017 Annual Meeting & Spring Membership Meeting**

**Meeting Notes**

June 1- 2, 2017 – Charleston, SC

**Thursday, June 1, 2017**

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1:30 p.m. Welcome & Introductions / News & Notes

Carrie Cooper called the meeting to order at 1:34pm with welcoming remarks. She acknowledged Terry Birdwhistell [U-Kentucky] and thanked him for his many years of service to the community. Terry is leaving his role as Dean of Libraries at the University of Kentucky. After a year of sabbatical, he will be working at the Louie B. Nunn Center for Oral History at UK.

Attendee round-robin introductions followed.

Carrie announced the ASERL Fall meeting is scheduled for November 29-30, 2017 in Miami, FL. She also reviewed the recently adopted guidelines for selecting meeting locations. These guidelines are available on the ASERL website (<http://www.aserl.org/meetings/>) for future reference.

1:45 p.m. **ASERL 2017 Annual Meeting**

**Annual Financial Update –**

Bonnie McEwan presented the ASERL Financial Report. She explained that the Total Liability & Equity figure of just under \$1 mil is artificially inflated due to recent member invoicing. No questions from the membership about ASERL's finances.

**Board Elections**

Carrie Cooper thanked the Nominating Committee [Tom McNally (U-South Carolina), Frances Coleman (Mississippi State), Judy Russell (U-Florida)] for their work, and presented the following slate of nominees:

- President-Elect: Yolanda Cooper, Emory University
- At-Large Member: Maggie Farrell, Clemson University
- At-Large Member: Toby Graham, University of Georgia

Carrie called for other nominations from the floor, none offered.

Bonnie MacEwan (Auburn) made a motion to approve the slate as presented, Sylverna Ford (U-Memphis) seconded. All members voted in favor.

Terms of office begin immediately at the conclusion of the meeting, at which time Bob Fox (U-Louisville) will begin his term as President.

Carrie Cooper closed the Annual Meeting at 2:00 p.m., followed by the Spring Membership Meeting.

## ASERL Spring 2017 Membership Meeting

2:00pm

### Discussion: Expectations for Shared Print in the Long Term. What works, what doesn't? What can we do better?

Presenter PowerPoint Slides posted on ASERL website.

Tom McNally presented a status update for Scholars Trust print journal retention program with an overview in the growth of the program over the past 5 years. He asked attendees to break into smaller groups to consider the following questions:

- What are your desired goals for sharing print retention? (please focus on journals)
- What level of services do you expect from Shared Print partners?
- Does proximity to partners make a difference?
- What's behind the near-zero growth in retained titles in Scholars Trust?
- What assurances do you need to weed your print collection?

Discussion notes:

There is a desire by faculty to have shared/multi-level back-up for print materials. Scholars Trust can provide that reassurance.

There was general discussion around the question - *if a library has made the determination to retain titles locally, why not pledge them to Scholars Trust?* Many agreed that once a title is in storage it is unlikely to come out. A greater number of titles in Scholars Trust was seen as providing more options for the program into the future – a strong base of titles makes for a strong program.

For many libraries, Scholars Trust can help to resolve the problem of large volumes of low-use material that is consuming expensive real estate within campus libraries.

How are titles chosen for long term retention? Some chosen because they were rare and of local geographic interest, for preservation. Does the choice of rare/obscure titles help the common good? Or should we focus on commonly-held titles that free-up shelf space?

It was suggested that low standards for participation may lead to a low level of trust/confidence in the system. Should ASERL establish a minimum number of titles for participation? Small contribution levels may give the appearance that we are desperate for participation.

There was discussion about weeding collections against holdings that have been pledged for retention in Scholars Trust. Some libraries may not have been looking at the program in this context -- they had not considered that Scholars Trust would create a base of holdings against which weeding decisions can be made, where the library's contributions would help others weed.

Some are concerned about weeding against Scholars Trust in the long-term due to concerns about the long-term security/reliability of facility. FLARE was used as an example – they have not been able to secure state funding for their storage facility and are seeking alternative sources/options. Is there a risk that the library cannot sustain the storage facility for the long term?

For others, print retention is not a high priority – they are not running out of space, or have renovation funding for repurposing existing spaces, so relocating materials and/or weeding is not a focus. Others rely on the larger institutions with long back runs, assuming they will be the collections of record in the state/region.

Some libraries had not weeded against Scholars Trust holdings because they had already weeded against other collaborative programs, or JSTOR. It was noted that this practice comes with its own set of issues.

There are some disciplines that are better served by paper copies – art/music/etc. Digitization quality is also a concern. The question was raised as to why retain JSTOR titles at all? If they are available electronically with a high degree of reliability, why would we need to retain the print? This was countered with the need for some assurance that print copies are available if/when electronic fails.

The question was raised as to the interrelationship with JSTOR or CRL – as well as other state, regional and national programs. The lack of analysis of titles/holdings across the programs was seen as an obstacle. Analysis is both difficult and expensive – resolving this concern could be an aspirational goal for Scholars Trust.

Geography/proximity was not seen as a prominent factor, other than it may play a role in discarding materials purchased with state funds. Close geographic proximity can make it easier to counter arguments about loss of access. Discarding materials continues to be an obstacle for some at the local level, though this may be discipline-based to some degree. Scholars Trust can help with the optics in these cases. Overall, people believe proximity is becoming less of an issue over time.

Interlibrary loan is seen as sufficient for delivery of retained materials when print is needed. There was some question regarding staffing commitments and an ability to meet expanded service expectations. It was noted that the program focus is on low-use print journals and as such, the service commitment for resource sharing should not be onerous.

Overall, there was consensus that the session and the conversation was useful. There is a need for more direction and greater communication, for example routine program updates at future meetings to keep the program in the forefront.

**3:15 p.m. Discussion Tables** – Topics suggested by members

- Ithaka study of Agriculture Libraries
- New Presidents/Provosts – managing up
- Digital Scholarship/Humanities

**4:30 p.m. Recess for the Day**

**5:15 p.m. Members' Reception** / Clemson Design Center

**Friday, June 2, 2017**

8:30 a.m. **Re-Convene:** Carrie Cooper reconvened the meeting at 8:31am. She thanked Clemson University and the University of South Carolina for hosting the Members' Reception and the tour of the Clemson Design Center.

**Presentation / Discussion: Results from Ithaka's 2016 National Library Diversity, Equity, and Inclusion Survey. | PowerPoint – Equity, Diversity and Inclusion: ASERL**

Roger Schonfeld presented the results of the Library Diversity, Equity and Inclusion Survey for ASERL members. Fifteen ASERL libraries participated, and while low, the participation rate was better than the national average. Though it was difficult to administer, this survey provides useful information in identifying success factors as to why an organization may be more culturally diverse.

Roger shared the comments from a participant who indicated that the conversation within the organization had changed since the data had been released since there was now data to confirm what had been taking place.

Roger also noted that the upcoming salary survey data is intended to dovetail with the diversity survey, with 25 ASERL libraries signed on to participate in the salary survey. The goal is to have some initial information to be completed by the November meeting.

The survey results showed that academic librarians are overwhelmingly white, especially in executive roles. There is some racial diversity in staff positions, but that often dissipates in managerial roles.

Roger commented that data would seem to support that we aren't on a course for a more diverse staff, possibly we are on a path to less diversity in the profession. What would be a reason for this?

Geographic location was noted as a barrier to recruitment – some locales are seen as difficult because of a lack of support structure for persons of color.

Some people have MLS degrees are working in support positions – is there a promotion channel for these individuals? It is difficult to determine whether people remain in support positions because they prefer to do so, or because they do not have an opportunity for promotion. The data is difficult to interpret, or to make a direct correlation between opportunity, eligibility and desire.

9:45 a.m. Break / Hotel Check-out

10:00 a.m. Reconvene / Update on Legal Actions – LSU, GSU. VIVA Study of Package Usage.

**LSU – Elsevier lawsuit.** Brandon Butler (Director of Scholarly Communications for U-Virginia) highlighted the key issues in the case:

- The lawsuit was filed in the Louisiana state court in 2017, with the request for a jury trial. The claim is breach of contract – it is not a copyright case.
- LSU entered into a contract with Elsevier for the period of December 2014 - December 2019, for access to 35,000 users - authorized users are all faculty, staff and students – for all aspects of the campus. This includes LSU's Veterinary Medicine School. LSU is the only legal entity that can enter into contracts for anything LSU related, and when they do so, they do so on behalf of everyone at LSU.
- The Vet School previously had a separate subscription on its own, but that subscription ended. (LSU had been paying double for materials that were already covered under the primary contract.)
- Elsevier terminated access to Vet School users in November 2016, after which LSU then contacted Elsevier requesting they restore access. The account was reactivated for a short time but access was revoked again in January 2017.
- When the January termination happened, the legal counsel for LSU sent a letter to Elsevier, informing them that they were in breach of contract and causing harm by withholding access and that they were to restore access “or else”. When this did not happen, LSU filed suit in February 2017. Elsevier has refused to accept service of the legal paperwork ever since.
- The Elsevier salesperson contacted LSU and indicated they would restore service to the Vet School if an additional fee was paid. Their price: \$200,000+ for 2017 only, with more to pay later.
- Elsevier BV is the business name in Amsterdam, which is how the contract was signed. As such, Elsevier is claiming that if LSU wants to serve them with notice of the suit, LSU has to serve them in Amsterdam. The Hague Convention allows for litigants to go to a designated place/entity in a foreign country to serve notice but it does not make this an easy process. It can take many months to serve notice via this route. Luckily, due to the language in the contract, LSU will not have to go to Amsterdam to sue, they can do this in Louisiana and as such, can go by Louisiana laws, rather than the laws of Amsterdam. It appears Elsevier is just drawing out the process to force the Vet School to go without service as long as possible to force LSU to settle the case without a jury trial.

Two important legal arguments that favor LSU:

1. The “entire agreement” provision – this is the ONLY contract that is pertinent to this deal. This provision voids the fact that the Vet School used to purchase service on their own. That second agreement should have no bearing since each contract stood alone and was the ONLY contract pertinent to that specific deal.
2. The law of Louisiana is the law that covers the agreement. This agreement was written by Elsevier; longstanding legal principle holds that if an agreement is ambiguous at any point, the law favors the recipient of the agreement, not the person/organization who drafted the agreement. If there is confusion as to anything in the contract, it is seen as Elsevier’s fault, and it goes in favor of LSU.

In the complaint, it is customary to ask for everything you can possibly get, so LSU is not only asking for a return to access but is seeking damages, attorney fees & costs as part of the case.

#### **GSU e-Reserves Lawsuit Update –**

Jeff Steely provided a brief update on changes GSU has made in light of their e-reserves case. The library has updated their copyright checklist, which no longer includes references to “10% / 1c chapter rule”. It now references the “heart of the work”, a decidedly small amount of one chapter or as little as possible to meet the intent of the work. They are in the process of removing legacy forms that are hosted on the Georgia Board of Regents website.

#### **VIVA Study of Package Usage –**

John Ulmschneider discussed a VIVA initiative to analyze usage of big-deal packages over time.

### **11:15 a.m. Program Updates / Report from Executive Director**

#### **\* Call for Volunteers: ALA Leadership Posts – Anne Prestamo, FIU**

Anne encouraged people to nominate people for ALA Vice President, President-Elect, and Councilor-at-Large seats. Nominations can be sent to Anne or any member of the ALA nominating committee.

#### **\* Awards within ASERL:**

John Burger noted that the ASERL region was heavily represented in the recent ALA GODORT awards – congrats to those winners. Also, Judy Russell has been awarded the James Bennett Childs Award honoring an individual who has made a significant contribution to the field of documents librarianship. The award will be given to Judy at ALA Annual Conference in Chicago.

#### **\* Rosemont Shared Print Alliance update**

John Burger gave a brief status update on the Rosemont Shared Print Alliance. Scholars Trust [ASERL/WRLC] is one of the four co-founding shared print archive programs – the others are BTAA, FLARE and WEST.

The initiative coordinates the efforts of these print archive programs to better manage shared print – additional titles, geographically dispersed, 3 copies. The Alliance continues to have conversations with CRL seeking to identify common goals and areas of opportunity for collaboration. The next meeting of the Alliance is scheduled during ALA, where the program governance structure is expected to be ratified. These positions are not lifetime appointments so there will be opportunities for leadership roles in the future. The governance structure follows a consensus decision-making model – defined as “being at peace” with the matter.

#### **\* ASERL Visiting Program Officer for Special Collections**

John Burger announced that the ASERL Board has confirmed Suzan Alteri (U-Florida) as the Visiting Program Officer for Special Collections, starting July 1, 2017. He noted that a contact list will need to be developed, with one representative from each institution.

**\* Environmental Scan – Outsourcing Foreign Language Cataloging services**

John Burger reported that 15 libraries have responded to date, there may be an opportunity for an ASERL discount offer.

**\* Salary Survey Timeline** – included in earlier presentation

**\* Heads-up: ACRL Intersections workshop + ARL Liaison Institute – Spring 2018**

John Burger shared information on two conferences that are being planned for the Spring of 2018, probably in Atlanta. The ARL Liaisons Institute - a day and a half event is under consideration, similar to a hack-athon - where a competencies document will be written by liaison librarians. The ACRL Intersections workshop will focus on scholarly communications and information literacy. Program planners are hoping to leverage attendance for the two events as both are scheduled within the same week. A Resource Sharing workshop is also under consideration for Fall 2018.

**Kudzu ASERL/WRLC Resource Sharing policies update.**

John announced the Kudzu group has approved a minor change in their processes to align with recent updates in the ASERL/WRLC Resource Sharing policies. Namely to adjust the loan period from a 6-week loan, with a 2-week renewal to an 8-week loan period. This is a relatively simple change.

**11:45 a.m. Wrap-up / Q&A / Reminders**

As previously announced, the ASERL Fall Meeting will be in Miami, FL – November 29<sup>th</sup> - 30<sup>th</sup>.

John reminded attendees to be watching for the ASERL online meeting evaluation, and the importance for providing feedback.

Carrie Cooper once again thanked Clemson University and the University of South Carolina for their hospitality.

With no further announcements or comments, Carrie Cooper adjourned the meeting at 11:10am.