



Access

News from the University Libraries

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COPYRIGHT, RESERVE AND THE UNIVERSITY LIBRARIES

CHANGE IN LAW FORCES A CHANGE IN POLICY

Why are the University Libraries changing their policy in regard to photocopies on reserve? How will this change affect me, my students, my teaching methods? What can I do to ensure the least amount of disruption to my teaching? If you haven't yet asked yourself these questions or had them posed to you by a colleague, you probably soon will. In the first issue of the 1983-84 Notre Dame Report, the revised policy, "Copyright, Reserve and the University Libraries" detailed how photocopies on library reserve will be handled.

The Notre Dame Report should be consulted for specific details, but the main thrust of the policy change is twofold. Beginning with the Fall of 1984, the University Libraries will no longer accept faculty-provided, single or multiple photocopies for reserve unless permission from the copyright holder is on file in the Reserve Book Room. Nor will we retain single or multiple copies from semester to semester without the proper permission slips being on file. We will, however, continue to make one copy, at library expense, of journal articles and of small portions of monographs and other works for use in one semester only.

During the 1983-84 school year, the University Libraries will gather information on copyright holders and secure permission for photocopying, or we will purchase a single copy of needed offprints.

This modification of Library policy is a result of a year long study of the implica-

tions of the Copyright Act of 1976, legislation which went into effect on January 1, 1978. For guidance in examining our policy, the University Libraries consulted the Register of Copyright's Report to Congress: Library Reproduction of Copyrighted Works and publications from the Association of College and Research Libraries and from the Association of Research Libraries. The policies followed by many of our peer institutions were studied as well.

One of the key problems in any discussion of copyright and library reserve is the fact that this issue was not specifically addressed in the Copyright Act nor in most of the related House or Senate Reports. The only reference which might apply to library reserve use is from Senate Report No. 94-473 on Section 108, "Reproduction by Libraries and Archives," where the following example is given: "...if a college professor instructs his class to read an article from a copyrighted journal, the school library would not be permitted, under subsection (g), to reproduce copies of the article for the members of that class." Because of the lack of specificity, the status of library reserve use of copyrighted items is ambiguous at best and clarification is dependent upon the development of case law, a slow and, for those involved, expensive process.

Added to this ambiguous situation is the fact that publishers have taken an aggressive stance by instituting a number of lawsuits, the best known being the Association of American Publishers v. New York Univer-

sity. Because this suit was settled out-of-court, it did not add to the case law. However, in another suit recently decided by the U.S. Court of Appeals for the Ninth Circuit, Marcus v. Rowley, the judgment was that educational photocopying is not automatically allowable under Section 107, "Fair Use."

The Report to Congress, the most official statement to date, takes the position that library reserve copying is governed by Section 107, "Fair Use," and comes under the classroom guidelines agreed to by the Ad Hoc Committee of Educational Institutions and Organization on Copyright Law Revision, the Authors League of America, Inc., and the Association of American Publishers, Inc. The key words from these guidelines are spontaneity, brevity, limited cumulative effect and limited economic effect to the copyright owner.

After weighing the information received from the above sources, the University Libraries proposed the changes discussed above in order to ensure compliance with the law and to preclude legal action against the University.

The first noticeable change will occur this Fall as we write to you to secure complete citations for the articles presently on reserve. This is an important first step in the process of acquiring copyright permissions. As detailed in the Notre Dame Report, the University Libraries will do all of the paper work involved in contacting copyright owners and will pay permission costs or the cost of a single offprint. Files for each article on reserve will be maintained in the Reserve Book Room in the Memorial Library, according to author/title, journal or monograph title, professor and copyright holder.

The second change which will have the greatest effect on teaching preparation is the fact that in the Fall of 1984 we will

not accept single or multiple copies without having a permission on file. This means that if you want to use articles or chapters for which no permission is on file, the University Libraries will need sufficient lead time in which to research and obtain permission. In some cases this could be as long as three months.

A third change will be that the University Libraries will retain any copies or offprints paid for out of University Libraries' funds. These will be housed in the Reserve Book Room and will be available for use by any class or professor so long as the permission to use them is on file and current.

In researching what our peer institutions do, we found that Penn State University encouraged their professors to lobby their professional organizations to obtain copyright exclusions for classroom or reserve use. The American Psychological Association has given this exclusion for all of their journals. The statement in their Copyright and Permission Paragraph reads: "Permission and fees are waived for the photocopying of isolated articles for nonprofit classroom or library reserve use by instructors and educational institutions." We urge you to join your Penn State colleagues to see what you might be able to accomplish with your own professional organizations.

While we are aware that there are a variety of legal opinions on this matter, until case law is developed the University Libraries, with the concurrence of the Faculty Committee on University Libraries and the University Counsel, regard the revised policy discussed above as in the best interests of the University, her faculty, staff and students. If I can be of any help to you in regard to this policy, please call me at 239-7578 or stop at the Reserve Book Room, 213 Memorial Library.

Anne Kearney

EXPENDITURES FOR LIBRARIES

NOTRE DAME IN TOP FORTY

The Association of Research Libraries annually publishes a statistical compilation

of data from their membership. This information is widely and sometimes incorrectly

used to compare the quality of libraries in individual institutions, despite disclaimers to the contrary by the Association.

Recently, the Association distributed information on library expenditures as a percent of university expenditures. I'm happy to report that Notre Dame did quite well, ranking 35th with library expenditures representing 4.1 percent of total educational and general expenditures by the University. This is the same percentage as Stanford and significantly above institutions such as Dartmouth, Tulane, Northwestern, Cornell, Washington University of Saint Louis, Chicago, and Pennsylvania. It is moreover significantly above the median for ARL insti-

tutions, which was 3.7 percent.

These data reflect the continuing commitment of the University to the maintenance and development of the Libraries as a resource for teaching and research. It is interesting to note that only 24 of the 97 libraries represented in this ranking attained a 5 percent expenditure level. This figure, which is often cited as a standard, remains an important -- indeed critical -- target for the Libraries and the University at Notre Dame as we seek to provide the kind of library needed by our students and faculty.

Robert C. Miller

THE UNIVERSITY LIBRARIES

THE YEAR IN REVIEW

The past year has been a busy one for the University Libraries as they strove to meet the charge of the PACE Report: "The library must keep pace with the rest of the institution as Notre Dame continues to develop as a major university." In the area of collections, efforts to ensure regular acquisition of currently published materials led to the establishment of a blanket order for German publications and an improved mechanism for new Russian books. Several modest retrospective collection building projects were undertaken, as was a major effort in Catholic theology and philosophy. In preservation-related work, binding and book repair operations were expanded significantly, and special funding permitted a complete restoration of the Gore Reichenbachia orchid plates.

Processing of both current receipts and backlogs continued apace; indeed new records of productivity were established in this area, despite illnesses, vacancies, and automation-related pressures. In order to handle what are anticipated to be growing backlogs during the actual installation of the new computer system, a method for alternate access to uncataloged materials through the ACQUIS system has been developed.

Planning for automation provided the focus for much of the Libraries activities during the year. After extensive and detailed analysis, specifications for the

new integrated system were prepared, work on retrospective conversion of the monograph collections begun, and construction started on the equipment room for the new system.

In the area of physical plant, the new Engineering Library finally opened on November 1, 1982. Planning for the remodeling of the Audio Center in Memorial Library was completed and contracts let. The improved facility will be available for use by the start of the Fall semester. Major attention was given to the planning for space utilization in the Memorial Library building following the move into the new faculty office building. Detailed studies of space needs for collections, users, and services were completed and several scenarios developed. These efforts will continue, with the hope of providing enough growth space for at least five to seven years.

In most operational areas, library utilization and service grew. This was true for, among others, circulation, class reserves, interlibrary loan, and database services. Despite this increased activity, the library faculty and staff found time for much work related to automation and space planning and were increasingly involved in professional and scholarly activities outside the Libraries.

External as well as University support

for the Libraries continued to increase significantly during the year. Two new library endowments were dedicated, several memorial book funds established, and a number of major gifts of material received. The Friends of the Library at Notre Dame had a very active year, highlighted by the dedicatory dinner for the Douglas Woodruff Collection.

Overall it has been a good year for the

University Libraries. The faculty and staff have worked hard and well, the collections have grown in a planned fashion, progress has been made toward total automation, services have been improved and expanded, and support both internal and external has increased. Thanks are due to the many individuals in and out of the Libraries who have made these achievements possible.

Robert C. Miller

SCHOLARS, PUBLISHERS AND LIBRARIANS

REPORT OF A UNIVERSITY OF CHICAGO CONFERENCE

The University of Chicago Graduate Library School has presented a distinguished series of annual conferences over the years. The 42nd Conference, held May 13-15, 1983, had as its topic, The Publishing and Research Library Communities: Providing a Foundation for Dialogue.

A roster of some of the participants will provide an appropriate background for a consideration of the themes of the Conference:

Lewis A. Coser, Distinguished Professor of Sociology, State University of New York at Stony Brook
 Morris Philipson, Director, University of Chicago Press
 Frederick Praeger, Founder and Director, Westview Press
 Jay Lucker, Director, Massachusetts Institute of Technology Libraries
 Ted Solotaroff, Senior Editor, Trade Division, Harper and Row
 Charles Osburn, Vice-Provost for University Libraries, University of Cincinnati
 Lester Asheim, William Rand Kenan, Jr., Professor of Library Science, University of North Carolina at Chapel Hill

The remarks that follow, unless otherwise noted, are based on the contributions of the above.

There were three main streams of thought that emerged from the papers presented and the discussions that followed. The first is that it is guesswork that is the basis of much of publishing. This was carried a step further by another speaker who said that "publishing is a form of gambling -- it is

not a science" and he stated that no publisher is so prescient that he knows which of the books he publishes will become great. This information comes as somewhat of a surprise to one outside of the industry. In perusing a display of books in a bookstore, one tends to assume there has been much logical thought behind the appearance of each title.

Given present economic conditions, it is no wonder first novels are meeting increasing resistance from publishers and "let's not talk about poetry." The thought crossed my mind, "What will become of these two categories of creative writing, and just as importantly, what will happen to those authors who want to devote their efforts to sharing the words they have fashioned on paper with their fellow human beings?"

The rise in influence of chain bookstores was mentioned more than once. The time is coming when almost half of all book sales to individuals will be by chains. This may not seem so undesirable until the mentality behind the operation is understood. Sales on a per square foot basis will determine what titles will be accepted for sale and whether or not they will remain in the store. Thus, I concluded, the human spirit is being replaced by computer logistics. There are many of us who can remember the good feeling of going into an "old-fashioned" bookstore and talking with the owner or a member of the staff who loved books and reading and was only too happy to provide guidance. If children do learn to read in school, what kind of encouragement to continue reading will they receive from chain bookstores as

they move up through the educational system to a college or university and adulthood?

Finally, the one theme that surfaced more than any other in the Conference was that of technological change and its effect on scholars, publishers and librarians. With the advent of the electronic journal, will scholars be willing to referee articles online? Since an article can be input at any time and publication deadlines will disappear, what effect will this development have on the dissemination of research? And will electronic publishing count for promotion and tenure?

A librarian, in his paper, used the phrase "out of control" to describe the situation facing those in the library profession today. The impact of technology was named as a contributing factor. One can pose the question, for instance: as books are displaced by technological advances, what does the word collection mean in an academic library?

It was at this point that I made some judgments of my own. I do not think the situation is or will become out of control unless librarians choose to abdicate responsibility and this is unlikely. I do not believe libraries as we know them today with their stacks of books will be totally metamorphosed into banks of computers. It is one thing to locate a specific piece of information. It is another to read and absorb George Santayana's The sense of beauty.

This is a time that calls for a mind receptive to change, revolutionary change, in librarians of all ages. Along with that, a keen sense of critical judgment of what to retain in the existing structure of the collection of knowledge and what to accept in the new must be developed and brought to bear as librarians continue their mission of assisting scholars in their search for truth.

Joseph H. Huebner

AUTOMATION

LIBRARY BEGINS CONVERSION OF MONOGRAPH DATA

Last April, the Cataloging Department in the Memorial Library began the process of converting catalog records for monographs into machine-readable form.

The task to be accomplished is formidable but not overwhelming. Recent estimates put the number of titles in Notre Dame's collections at about 670,000. (These are titles, not physical books; the University Libraries house well over 1,000,000 books and thousands of microfilm, audio recordings and government documents besides.) Of these 670,000 unique titles, about 200,000 already have machine-readable records, created for them through OCLC (the Online Center for Library Cataloging) which Notre Dame has used since 1974. Another 25,000 titles are journals, newspapers and other serial publications. The remainder, about 440,500, need to be converted.

If the process for conversion required the retyping of this body of cataloging records, it would be beyond our means. Fortunately, there are short cuts available

using already existing computer records of library cataloging created at the Library of Congress and elsewhere. This is the procedure being followed in the Cataloging Department.

The Library of Congress itself is carrying out a similar conversion of its old catalog records to a computer database, using the services of Carrollton Press, Inc., a Virginia firm. Notre Dame signed a contract with Carrollton Press last March under the terms of which we will receive machine records produced from L.C.'s conversion effort (the REMARC database) and similar records from L.C.'s current machine cataloging (the MARC database).

Carrollton Press holds copies of these two national databases at the Computer Center at UCLA in Berkeley. The procedure is for Notre Dame to send short search keys on floppy disks to Berkeley where they are matched against both the MARC and REMARC databases. The search keys are constructed from data in our 3x5 card shelf list and

typed on the floppy disks on two Apple IIe computers. The matched computer records return to us on magnetic tape from Berkeley.

At this writing, over 115,000 search keys have been created, a little over 25 percent

of the file to be converted. The target date for completing the REMARC Project is August 1, 1984 and seems well within our grasp.

David E. Sparks

CATALOGING DEPARTMENT HAS NEW HEAD

SYLVIA GEIGER APPOINTED TO LIBRARY FACULTY

A key element in the automation program of the University Libraries is the Cataloging Department. It is the focal point of our present system of bibliographical control, since it produces and maintains the Public Catalog through which faculty and students have access to the collections. It will become, in the automated system, an equally if not more important center of bibliographic control.

Notre Dame is fortunate, in this period of transition, to welcome Sylvia Geiger to the Library Faculty as head of the Cataloging Department. Sylvia brings to Notre Dame a broad experience in management and in university library cataloging, especially in authority work and application of the Anglo-American Cataloging Rules. Her previous work has been at the University of Arizona where she oversaw the reclassification

project, was supervisor of the catalog maintenance unit, and for a time was acting head of the Catalog Department.

Sylvia has been active in the American Library Association and is a member of Beta Phi Mu, the honor society in the field of library science. She chaired the Campus Library Council at Arizona (the counterpart of our Faculty Committee for University Libraries) and was a member of the University Senate.

Sylvia holds her bachelor's degree from Carleton College, Northfield, Minnesota and her professional degree from the University of Arizona. A lover of good art, she is also active in choral singing and will be participating this Winter in the South Bend Symphonic Choir.

David E. Sparks

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