

University Library Committee 1995-1996

Minutes for April 22, 1996

Summary

The University Library Committee heard from University Attorney Peter Swann and from Librarian Deb Carver concerning various issues relating to copyright at the UO reserve room. The committee decided to continue the discussion in 2 weeks on Monday May 6.

Detailed Minutes

PRESENT: Bart Alexander, Frances Cogan, Peter Gilkey, Bill Orr, Theodore Palmer.

ABSENT: John Gage, Lucy Lynch, Ray Weldon.

GUESTS: Deborah Carver, Assistant University Librarian for Public Services and Collections; Pete Swan, Assistant to President for Legal Affairs; Mark Watson, Acting Assistant University Librarian for Technical Services.

The meeting was called to order by Peter Gilkey, chair, at 2:05 p.m.

The April 8, 1996 meeting minutes were approved with no corrections or additions.

Copyright Issues

Gilkey distributed two articles from the AAUP regarding copyright compliance - "David, Goliath, and Copyright Permissions" and "Balancing Act on Copyright."

Deborah Carver discussed her April 18 memo to the ULC on copyright and the library's reserve policy. The library has very few restrictions on placing material on reserve. The library assumes that faculty have complied with copyright law and thus accepts anything submitted for reserve. There are also no restrictions on the number of copies placed on reserve. The University's policy on copyright and fair use does not specifically address reserve reading/photocopies. Carver's question to the committee is whether the library should continue with its current policy on copyright/fair use or adopt a new policy.

Swan discussed some of the parameters of Section 107, the "Fair Use" guidelines. He reviewed the University's position on course packets, and suggested that the library consider adopting similar procedures.

Alexander asked Swan if publishers would actually involve libraries in litigation over copyright violations. Swan replied that publishers are beginning to do just that. Carver stated that if it is determined that the library should comply more strictly with copyright law and guidelines in reference to the reserve policy, she would like the library/ULC to consider a set of procedures which would not reduce the efficiency of reserve processing. For example, faculty would be responsible for obtaining permission from publishers or CCC (copyright clearance center) before placing faculty requests on reserve. She suggested that the library follow a policy similar to what some other libraries are currently doing, which is requiring a statement from the faculty member that clearance has been granted or approval has been given by the publisher.

Palmer asked how long it normally takes for the copyright clearance center to approve requests. Swan responded six weeks is standard. Palmer was also concerned that if faculty are going to be required to obtain clearance/permission for items to be copied, there will be considerable expense involved. How will the university pay these internal and external costs/fees? Swan stated that it would probably be passed on to the faculty members department. Carver had several questions. If the library adopts restrictions similar to those applied to course packets, would that hamper faculty in their first-time use of an article? Faculty may not have 6 weeks to obtain clearance. How does the spontaneity rule apply to these circumstances? Is it possible to put items on reserve pending the decision of CCC? It was suggested to invite Kati Kronholm, UOs copyright clearance coordinator, to the next ULC meeting to discuss these issues.

Alexander stated that he would like to keep the current procedures in place. Swan replied that he would be uncomfortable putting the library and/or university at risk with the law. Watson inquired as to why the library/university would volunteer to adopt a more strict reserve policy when so many other universities are not. Gilkey replied that if there are relatively simple precautions the university/library could put into place to prevent flagrant misuse of the copyright law, we should consider implementing them.

The committee will meet Monday, May 6 at 2pm to discuss further Carvers initial question of whether the library should continue with its existing reserve procedures, or adopt a new policy. Carver was asked to bring to the meeting the number of copied items placed on reserve. S. Gray will invite Kronholm to the May 6 meeting.

The meeting was adjourned at 3:00 p.m.

Submitted by Sheila Gray April 24, 1996