

## University Library Committee 1995-1996

*Minutes for May 6, 1996*

### **Summary**

The University Library Committee heard from Copyright Clearance Coordinator Kati Kronholm and Librarian Deborah Carver on copyright issues as a continuance from the April 22 meeting. The committee passed a motion recommending that the library select a copyright statement appropriate for use at the University of Oregon. Carver also discussed the library's current policy for dealing with extreme overdue violations regarding reserve materials. The committee passed two motions confirming the library's policy of informing Student Conduct and the appropriate faculty member of the student responsible for the violations.

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### **Detailed Minutes**

**PRESENT:** Frances Cogan, Peter Gilkey, Bill Orr, George Shipman.

**ABSENT:** Bart Alexander, John Gage, Lucy Lynch, Theodore Palmer, Ray Weldon.

**GUESTS:** Deborah Carver, Assistant University Librarian for Public Services and Collections; Kati Kronholm, Copyright Clearance Coordinator

The meeting was called to order by Peter Gilkey, chair, at 2:04 p.m. The April 22, 1996 meeting minutes were approved with no corrections or additions.

Gilkey began the meeting by referring to the discussion of copyright issues held at the April 22 meeting with the participation of University Attorney Peter Swann and Librarian Deborah Carver. At that time, the committee desired additional input from the Copyright Clearance Office (CCO) and chose to invite Kati Kronholm, Copyright Clearance Coordinator, to attend the May 6 meeting. Gilkey commented that involving the CCO was likely to have both a positive and a negative result. The positive would be the library's benefiting from the experience of those who regularly deal with copyright issues. The negative would involve the likelihood of increased expenses from conforming to copyright regulations with no dedicated funds currently in the departments to deal with this. Carver reminded the committee that currently there is no written policy for conforming to copyright regulations when materials are placed on reserve in the library, and the library believes that a higher level of compliance than is provided now would be a good idea. Kronholm commented that she is aware that professors have received a denial of copyright clearance from her office and still have placed the material in question on reserve in the library. Gilkey stated that he was uncomfortable with this and asked Carver if she had suggestions to remedy this. Carver stated that she would prefer that the library not shadow the CCO by providing duplicate services. The Reserve Section might have to adopt a compliance form of some kind. She distributed a sample form at this point (copy attached at the end of these minutes). Carver emphasized that the library does not want to establish a policy that makes it difficult for faculty members to place something on reserve quickly. To retain that flexibility

perhaps material could be placed on reserve the first time while permission is obtained for continued or repeated use. According to Kronholm the issue of spontaneity is a tricky one for copyright clearance compliance. Kronholm mentioned that six weeks is the average amount of time it takes to obtain copyright clearance for most materials. She gave some examples of how that can vary from publisher to publisher. She announced that the CCO can now go on-line and use the World Wide Web to contact Copyright Clearance Center, Inc. and obtain immediate approval where permitted. There still may be delay in cases where publishers require contact. Gilkey commented that there was no place on the sample form to deal with a faculty member placing the same material on reserve year after year--a potentially more problematic situation than those involving spontaneity. A brief discussion followed on when a request on the part of a faculty member is truly spontaneous and when it may be described so to achieve the desired result. The issue of items in the public domain differing from items that are out-of-print as relates to copyright regulations and the confusion surrounding this difference was raised also. Carver reiterated that the library needs to have a policy sheet to provide to faculty to raise their awareness of copyright regulations and the need for library compliance. Kronholm passed around a policy statement regarding placing copyrighted material on reserve generated by the American Library Association. Shipman recommended working with Mary Jackson at the Association for Research Libraries to develop procedures and a policy for copyright compliance at the university. After working with Jackson, some statements for the faculty on current copyright issues could be developed and distributed. Shipman commented that changes were coming in copyright compliance requirements that the university would need to be aware of. It was noted that the way materials are made available in various departmental reading rooms may be in violation of copyright regulations as well. Gilkey commented that if the library began using a compliance form with policy guidelines similar to the examples available at this meeting, 80 to 90 percent of the problems with faculty would probably be cleared up. In addition, the library would be demonstrating a good faith effort to comply with copyright regulations. Gilkey recognized that Shipman would like to improve the university's record of copyright compliance and not just the library's, but the library's effort to reduce violations would be an important first step and a good start.

Orr made a motion that the University of Oregon Libraries select a suitable copyright statement appropriate for circumstances at the University of Oregon. Cogan seconded the motion, there was no discussion, and it passed unanimously.

Gilkey asked if there was other business for the committee to consider. Carver mentioned that there was another issue involving the Reserve Room for the committee's consideration. Currently, in cases where a student has checked out an item from Reserve and refuses to return it despite repeated requests, thereby preventing other students from using it, the library provides the name of the offending student to the Student Conduct Program and (upon request) to the faculty member teaching the class for which the reserve material is required. A short discussion followed about this policy. Carver emphasized that ordinary overdues are handled with fines. Involving Student Conduct and the faculty member occurs only in cases of extreme abuse. The concern is with the breaking of the confidentiality of circulation records and the student's perception of the possibility of bias on the part of the faculty member or retaliation from the faculty member who is given this information. The appropriateness of involving Student Conduct was quickly agreed upon, and Cogan made a motion stating that the UO Library policy of contacting the Student Conduct Coordinator in cases of extreme abuse of the Reserve program should stand as currently practiced. The motion was seconded and passed unanimously.

The practice of alerting the faculty member was viewed as a slightly different matter, and discussion followed concerning continuing this policy. Gilkey commented that a faculty member needs to know if reserve materials have not been available to all the students in his class, particularly if knowledge of the material is required to adequately perform course work or pass tests. The question was posed as to whether or not the faculty member needs to know who was responsible for preventing the material from being available or just that the material was not available. It was felt that it was indeed appropriate for the faculty member to know who was responsible for preventing other students from having access to required material. The motion was made that the UO Library policy of contacting the appropriate faculty member in cases of extreme abuse of the Reserve program should stand as currently practiced. The motion was seconded and passed unanimously.

Carver asked whether or not the committee would like to address the issue of possible plagiarism on the part of a student and the request a faculty member may make of the library to inform him or her what materials the student may have checked out. Gilkey recommended that this issue be referred to the Student Conduct Program and preferred not to have the committee address this issue at this time.

Gilkey thanked the committee members for a year of outstanding service and commented that he would be sending a letter soon thanking the committee members for their work.

The 1995/6 University Library Committee adjourned SINE DIE at 14:50.

Submitted by Ross Bunnell May 7, 1996