Research Library Issues

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A Bimonthly Report from ARL, CNI, and SPARC

Removing All Restrictions: Cornell's New Policy on Use of Public Domain Reproductions

Peter Hirtle, Senior Policy Advisor, Cornell University Library,
with Tricia Donovan, Administrative Assistant, ARL

Introductory Note

Restrictions on the use of public domain work, sometimes labeled "copyfraud," are generating increasing criticism from the scholarly community. With significant collections of public domain materials in their collections, research libraries are faced with the question of what restrictions, if any, to place on those who seek to scan or otherwise reproduce these resources with the intention of publication.

Cornell University Library has responded by adopting new permissions guidelines that open access by no longer requiring users to seek permission to publish public domain items duplicated from its collections. Users planning to scan and publish public domain material are still expected to determine that works are in the public domain where they live (since public domain determinations can vary internationally). Users must also respect non-copyright rights, such as the rights of privacy, publicity, and trademark. The Library will continue to charge service fees associated with the reproduction of analog material or the provision of versions of files different than what is freely available on the Web. The new guidelines are found at http://cdl.library.cornell.edu/guidelines.html.

Below is an interview with Peter Hirtle, Cornell University Library's Senior Policy Advisor, who gives some insight into Cornell's decision to change their "text and image use" permissions guidelines.

What prompted you to think about alternatives to Cornell's text and image use guidelines?

Two recent events—concern over the commercial use of images from the Core Historical Literature of Agriculture collection and our decision to add thousands of public domain scans to the Internet Archive—raised the issue of what limitations, if any, Cornell wished to place on scans of its public domain books.

What were Cornell's previous practices regarding the use of digital scans of public domain materials?

Our previous practice was to try to limit some uses. Cornell has made a substantial investment by acquiring and preserving printed material and then converting that material to digital form. By requiring payment for certain uses of that material, we hoped to recoup some of that investment. So the previous guidelines allowed only personal or research use. Commercial or scholarly use of the material—such as republishing via print on demand or including a page in a university press book or scholarly article—required the permission of the library and a possible payment. Different library units had differing policies: Catherwood Library in the School of Industrial and Labor Relations and the Rare and Manuscript Collections had procedures similar to the general Cornell guidelines, whereas Mann Library allowed free use of its scans.

What were the options Cornell considered when developing the new guidelines?

We identified three options: attempt to restrict in a legally enforceable manner certain uses of digitized material, and thus preserve a possible revenue stream; post an aspirational but unenforceable restriction; or make it free to use. We went with the third option. We get into the specifics later, but our library felt strongly that this was the right choice both for philosophical and logistical reasons.

How would a legally enforceable restriction be implemented?

Copyright is normally used to control subsequent use of written material, but this material was in the public domain and therefore not under copyright restrictions. Scanning alone is not creative enough to warrant its own copyright, and so we have no copyright in scans of material in the public domain. We could, however, have used a contract with potential users that would legally restrict the downstream use of public domain scans. Some institutions, for example, have click-through licenses on their Web sites that require users to agree not to use or redistribute the scans for commercial purposes. Alternatively, some institutions have created a "Terms and Conditions" statement, also called a "browse-wrap" license, which governs subsequent use of the material.

What sorts of problems did you see with this approach?

We identified a number of problems:

- Browse-wrap licenses are of uncertain enforceability, and with either a click-through or browse-wrap license, we would have had to be willing to bring legal action if we found a violation.

- The contract would be only with the individual who used the images from our site. If he/she gave them to a third party who used them commercially, Cornell would have no legal recourse against that third party. Cornell could only bring legal action against the person who actually downloaded the images.
- It would be very difficult to identify which individual actually downloaded the images that were subsequently distributed in violation of the license. As part of its settlement agreement with authors and publishers, Google will do this by embedding identifying information into prints and downloads. Given our library's commitment to confidentiality, I am not sure that Cornell would want to emulate what Google is going to do, even if technically we could.
- The Internet Archive indicated that it has no mechanism to place a click-through license in front of content or a browse-wrap license on the site. This option would therefore only work with Cornell's Web site. It would not have made sense to have different terms for the same material depending on whether it is coming from Cornell or the Internet Archive.

Was there an option that would be less restrictive than a contract?

Yes. Although we may not have been able to restrict legally what people could do with the scans, we could have included a statement that indicated Cornell's preferences. We simply could have asked individuals not to use the scans in ways that concerned us and explained why we were asking for their cooperation. We could also have implemented certain technical measures that would limit problematic activities—for example, the bulk downloading of books from Cornell's Web sites. But we would not have had a legally enforceable contract with users. If users could get copies, they could offer our scans for sale through print-on-demand sites or other commercial ventures.

Does any other major service or database use a voluntary license?

Google uses an aspirational statement with its books. There's a page that they place in the front of their scanned books in which they ask that people only use the books for personal, non-commercial purposes.

But that's not without its issues, correct?

Google has been harshly criticized for including this statement in its books.

See, for example, http://www.earlham.edu/~peters/fos/2007/01/testing-googles-restrictions-on-google.html.

Jessamyn West, a noted library blogger and critic, recently wrote:

> The thing I've found so weird about Google Books lately is that if you download a public domain book, you still get a little Google cover page asking you to "play fair" or some nonsense and not use the book for commercial purposes and a whole bunch of other codicil type stuff that's not legally binding [it's PUBLIC domain] but just asked in the "do us a favor" sort of way. I think they'd prefer to have a lot more restrictions on the use of public domain materials than they do.

In addition, an aspirational license would do nothing to stop bad actors who could take the books, cut out an aspirational statement, and sell them if they wanted. The people who would have been really harmed by this option are the ones who would have responsibly respected our wishes.

But there's an even less restrictive option than the aspirational statement, correct?

That's right. Cornell's final option was to free our scans of public-domain items from any restrictions. Our books would then appear in the Internet Archive, for example, with metadata crediting Cornell for their creation, but with no implicit or explicit limitations on further use.

How do other research organizations and libraries use the "free use" model?

In the Hathi Trust, Michigan books have watermarks indicating who digitized the book and from which library, but there is no page inserted in the scans limiting use, nor is there a "Terms and Conditions" page that describes restrictions (though some individual volumes may have licenses or other contractual terms that may restrict further distribution). Hathi Trust also limits printing and downloading to 10 pages at one time, however, and only as a PDF. The Internet Archive makes a broader set of files available, including PDF downloads of entire books. The PDFs I have examined on the Internet Archive site from the University of Chicago and Johns Hopkins University do not contain any restrictions on subsequent use.

What are the concerns associated with the "free use" model?

The downside to this approach is that nothing can stop someone from taking the PDFs or other versions of Cornell books from the Internet Archive and producing their own print-on-demand or electronic versions for sale.

Of the three options identified, why did Cornell adopt Option 3?

The benefit to scholarship, research, and learning from having free access to public domain books is considerable. Making this material free is consistent with the University's mission to promote a culture of broad inquiry, as well as our library's commitment to making information free and disseminating knowledge as widely as possible.

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In addition, revenues from the permission process may not even have outweighed the costs associated with managing permissions. And as we have already discussed, there are legal, technical, and ethical issues with the other options. Lastly, it would be ironic if, at the same time the library was advocating open and free access to the copyrighted works of faculty members, it also was restricting use of its digital files of public domain books.

Do the new guidelines only apply to digital files?

No. It would not make sense to charge permission fees for the use of reproductions made from physical public domain items found in the library if we are not charging permission for items that have already been digitized. We do, however, continue to charge for reprographic services.

Do you see other libraries adopting this sort of policy in the future?

I would assume so, for the same reasons that led Cornell to this position. There are reasonable forces working against others following our lead, however. First, there is the desire to control the use of "my materials" in order to ensure that they are treated with respect. In addition, there is the allure of what appears to be an easy revenue source. We are having to license access to public domain works found in other libraries that have partnered with commercial ventures;

it seems odd to give away our own public domain works to those same institutions that are profiting from us. In the end, however, I assume that most libraries will focus on their mission to support scholarly communication, and will adopt policies similar to ours.

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Evolving Preservation Roles and Responsibilities of Research Libraries

Introductory Note

On September 15, ARL held a Webcast, "Preservation: Evolving Roles and Responsibilities of Research Libraries." The Webcast featured presentations by:

- Lars Meyer, Sr. Director, Content Division, Emory University Libraries and ARL Visiting Program Officer
- James Neal, Vice President for Information Services and University Librarian, Columbia University Libraries
- Deborah Jakubs, Rita DiGiallonardo Holloway University Librarian and Vice Provost for Library Affairs, Duke University Libraries

The Webcast was grounded in the recently released report, *Safeguarding Collections at the Dawn of the 21st Century: Describing Roles & Measuring Contemporary Preservation Activities in ARL Libraries*, prepared for ARL by Lars Meyer. Meyer's report, released in May 2009, documents the trend within research libraries of broadening preservation activities to address digital content, and the drive to develop collaborative approaches to providing preservation functions. In addition to the speaker presentations, the broadcast included substantial time for live question-and-answer exchanges. What appears below is a sampling of audience questions that could not be accommodated on air, along with brief responses from the speakers. To view the original Webcast archive, the complete Q&A exchanges, as well as speaker information and additional resources, please visit http://www.arl.org/preserv/preservationwebcast/index.shtml.

Digitization and Preservation

Q: Most libraries digitize ad hoc…however, most libraries also consider "digitization" the end to preservation. How do we educate and implement programs of digital migration to further preserve digital surrogates, and also insist on the physical preservation of original rare antiquity in libraries? Should we preserve both for the long run?

Jim Neal: Digitization is not preservation. There is a complex set of provisions and investments for infrastructure and migration that need to be enabled to guarantee the long-term availability of the digital copy. And although the availability of a digital surrogate may relieve some pressure on the use of the original, it does not set aside the continuing responsibility for the conservation of originals of rare and special materials… I believe the library community needs to develop a more systematic and standards-based national strategy for last copies print repositories. The Cloud Library project among NYU, HathiTrust, and ReCAP with the support of OCLC/RLG and CLIR will begin to test some of these models.

Lars Meyer: Digitization, or digital conversion, can be an effective reformatting strategy. Digital surrogates and the metadata that describe and provide context for those surrogates requires an institution to have in place polices and infrastructure to manage these as digital assets. Ideally, concern for digital assets, irrespective of whether they are created or acquired by the library, should be incorporated into collection development policies that might pose questions unique to this class of information resource. For example, we might ask: Why do we create or acquire these materials? What does it cost to manage them? Who is responsible for managing them? What kind of access do we provide to these resources?

In terms of whether to keep the original items or not requires preservation staff and collection development staff to discuss not only the possibilities and limitations of digitization and digital surrogates but also expectations, options, and costs for managing digital assets. Most libraries have been determining the costs and benefits of keeping print copies with regard to their own user (however defined) requirements and expectations. Community-level strategies are certainly needed and there is evidence that work has begun; see for example the work being done by OCLC (http://www.oclc.org/programs/ourwork/collectivecoll/default.htm).

Deborah Jakubs: One should be reminded of the broader scope of our responsibility and the importance of the continued availability of the original, for uses to which the digital version cannot be put. I also emphasize that digitization often results in more (not less) interest in seeing/examining the original.

Staffing the Preservation Function

Q: Lars mentioned that with an increase in scope of preservation, we are seeing more people (outside the preservation department) involved in preservation. Can you give examples of new approaches to staffing and organizing preservation activities to mainstream it within our libraries?

Deborah Jakubs: One example, which may not be all that new, is to involve subject specialist librarians in decisions about what to reformat and what to digitize, and to involve digital collections and technology/digital production people in developing the "business plan" for costing out a given strategy.

Lars Meyer: Preservation, particularly for digital content or carrier-dependent technologies (e.g., VHS tapes, CDs, motion picture film, etc.), should not be an afterthought. Libraries should develop documented strategies or business plans that address what to preserve, when to preserve, and what technologies to use. The staff involved in this work will differ from library to library and from collection to collection. Preservation staff should contribute to the effort by providing knowledge about the costs, benefits, and risks of alternatives, based on their knowledge of the technology (be it deacidification, digitization, conservation, etc.) and the vendors who we might use.

Furthermore, preservation staff can ensure that the right resources (people and tools) are in place in appropriate stages of the work, regardless of whether the work occurs in the preservation department or elsewhere in the library or on campus. Preservation staff may need to rely on others in the library to provide needed expertise. For example, if there's expertise in digitizing sound recordings in a music library, it's probably best to continue to use that staff, but align their efforts with a greater preservation initiative. The challenge for each library will be to determine when preservation is playing a leading role or a supporting role.

Q: What does the educational, professional development, and career trajectory of the modern/future preservation professional look like? What will libraries need as we staff the future of preservation?

Jim Neal: The challenge, of course, in research libraries is that we carry a very significant legacy responsibility for conserving and protecting the rare and special materials in our collections in their original formats, even as we expand investment in digital preservation and as we begin to collect and archive Web content. We need to maintain and develop new expertise across these arenas, led by preservation directors who can see, advocate for, and work across them. Institution-based preservation programs may need to be set aside in favor of expanded outsourcing and new combinations of libraries to get the work done collectively.

Deborah Jakubs: The expansion of the definition or scope of preservation means that it will involve a wide variety of skill sets. I'd suggest that we be active in inviting interns and students to work in our preservation operations, and that we consider teaching on-the-job skills to some promising individuals who are interested. The preservation professional will need (and already needs!) to understand and manage a much wider array of domains than before.

Lars Meyer: We will see continued need for expertise in the areas of sound recording and moving image preservation, as well as still-image digitization. For libraries with significant book and paper special collections, trained and experienced conservators are essential. Needed expertise will differ from library to library. Does a library expect to hire someone to oversee the work in house or to manage work that is outsourced? When we expect to complete complex, technical work in house, we will need high level, appropriately compensated, technical positions that likely cannot be filled by library science degree holders or typical library paraprofessional staff. Today's preservation librarian or administrator should be integrated with collection development staff to better understand and contribute to decisions that affect users of information resources, be they historical or legacy collections or new, born-digital content. We need to close the gap that's grown between collection development and preservation.

Collaboration to Address the Preservation Challenge

Q: How do you see these new challenges changing the methods of setting priorities for preservation, with regard to cross-department collaboration? Are we beginning to see more collaboration or convergence between libraries and archives in addressing preservation challenges?

Deborah Jakubs: If we view preservation and the preservation mandate as of a larger scope than before, it is incumbent on us to bring in collaboration from outside the traditional preservation department. This is a good thing, and leads to broader discussions of priorities, in conversations that include more voices and perspectives. It will also inform those outside the department of the priorities as viewed from inside.

Lars Meyer: In regard to the first question, if we accept the fact that the scope of preservation is getting broader, we also need to accept that staff from throughout a given library will contribute to a preservation effort, including participating in discussions about priorities. We also need to look to partners outside of our own libraries and parent institutions to help us set priorities, this is particularly important for libraries who are actively working with content creators and aggregators from elsewhere in the university.

In terms of the second question, I think conversations are emerging on campuses about how to capture, provide access to, and preserve digital content that's created on campuses by academic departments, administrative units, and student groups, as well as scholars and researchers. Due to issues of format and technology obsolescence, as well as staff and student turnover, it makes sense to build concern for these into records management and university archives programs.

North American Leadership/Policy

Q: Jim, you mentioned the lack of national policy and direction in terms of preservation of North America's collections. What is the most important thing we could do to change and/or make some headway on this problem?

Jim Neal: We need a national program, which sets clear collective priorities, including research and education. We need policies in the form of new exceptions in copyright and standards to drive practice. We need funding from appropriate federal agencies, who see the economic benefits of the investment.

I see centers of excellence, with the depth of technical and science expertise needed across the preservation challenges, as inevitable if we are going to get the work done. This may take the form of institutional focus, or new for profit or not for profit organizations, public/private partnerships, or regional centers supported by our universities.

Q: Jim, why do we not have a central mandate for preservation and conservation? Who is responsible? Isn't it ARL?

Jim Neal: ARL in my view, as part of its current strategic plan, largely set aside a programmatic priority for preservation. There are initiatives that have explored areas of interest, like in e-science and the current report that Lars prepared. And when preservation touches information policy and scholarly communication, ARL has been very active. A new strategic focus on Transforming the Research Library may allow for more of a programmatic focus on preservation, but ARL has generally avoided operational roles.

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SPARC Explores Income Models for Supporting Open-Access Journals

Jennifer McLennan, Director of Communications, SPARC

Developing a sustainable business model is a critical concern for all publishers. For open-access publishers, who commit to free and open downstream access and reuse of their published material, the question of sustainability is a particularly challenging one. To increase awareness of different approaches that are available to publishers, SPARC (the Scholarly Publishing and Academic Resources Coalition) has released a report that provides an overview of income models currently used to sustain open-access journals. Raym Crow, SPARC Senior Consultant, is the author of the report.

Many discussions of open-access journal income models focus on article processing fees. However, as the guide documents, such fees are not appropriate for every journal or every publisher. The needs of individual journals differ, and a variety of income models can be used to support broad open-access distribution. The right model for any given publisher will take into account not only their need to cover expenses, but also the organization's "mission objectives, size, business management resources, risk tolerance, tax status, and institutional or corporate affiliation."

As Crow writes in the guide's introduction:

> An income model does not need to reform the entire system of scholarly publication to be worthwhile to a specific journal. In the absence of a comprehensive, systemic change in the manner in which peer-reviewed journals are funded, publishers will continue to apply a variety of income models to support open-access distribution. In this context, an income model should be judged on its effectiveness to support any given journal—or to

support a specific class of journals—rather than on its universal applicability to support journals across all disciplines and markets.

With the new guide, *Income models for Open Access: An overview of current practice*, SPARC aims to support the development of sound open-access publishing business models by providing an overview of current practice, as well as concrete guidance for publishers in evaluating the viability and financial potential of available revenue streams.

The guide presents supply-side models, which are "funded primarily by producers of the content or by proxies that pay on their behalf," and demand-side models, which are "funded primarily by consumers of the content or by proxies that pay on their behalf." Supply-side models described include: Article Processing Fees, Advertising, Sponsorships, Internal Subsidies, External Subsidies, Donations & Fundraising, Endowments, In-Kind Support, and Partnerships. Demand-side models include: Use-Triggered Fees, Convenience-Format License, Value Added Fee-Based Services, and Contextual E-Commerce. To increase the value of the survey, readers are invited to describe other options through the guide's complementary Web site.

The guide details how each model works, the rationale behind it, its prevalence and suitability, and examples of publishers using the model. For selected models, additional detail is provided to help publishers assess the financial viability of the approach and to mitigate the risk of a transition.

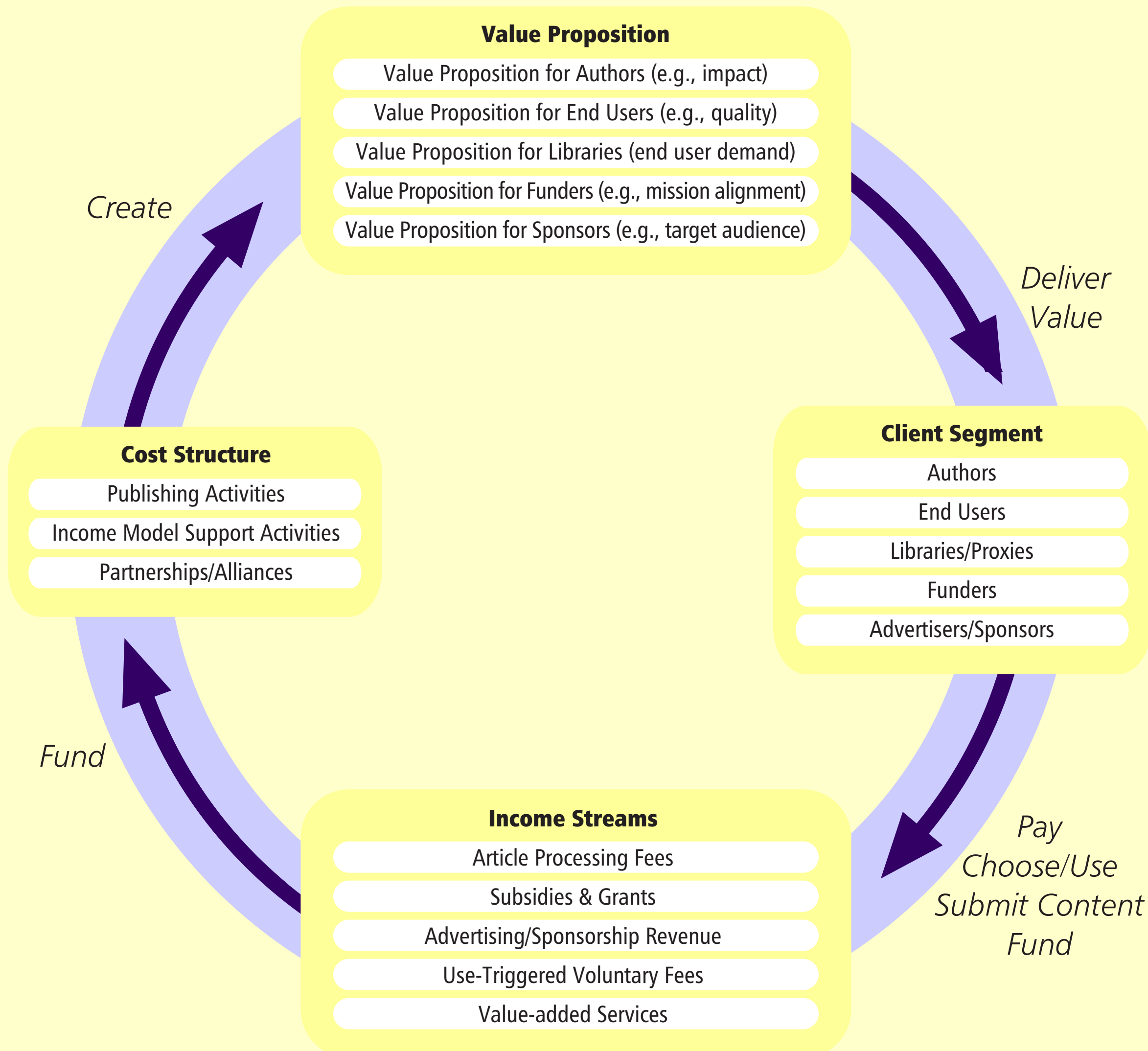
Income models for Open Access: An overview of current practice is intended for publishers that aim to launch an open-access journal or convert an existing journal to open-access distribution. Such publishers include "independent, single-title operations, operated by a founding editor with volunteer support; society publishers of all sizes, including single- and multiple-title publishing programs; and conventional publishers, both commercial and nonprofit."

The guide will also be valuable to libraries evaluating potential investments in open-access publications against meager library funds.

"There's not a single solution to creating the income stream necessary to support open-access publication that works for every publisher," said Heather Joseph, Executive Director of SPARC. "Through this experimental phase, it's important to be both flexible and pragmatic in the evaluation of new models."

SPARC supports publishing models and policy initiatives that broaden access to the peer-reviewed results of research, including Open Access—free, immediate, online access to the results of scholarly research. SPARC's charge,

About Business Models



A business model describes the economic logic that sustains an enterprise. For the publisher of a peer-reviewed journal, it describes the journal's audiences, the unique value that the journal delivers to each of those audiences, the activities and resources required to create and deliver that value, and the market mechanisms by which the journal translates the value it delivers into income to sustain itself. See accompanying diagram of business model logic.
—excerpted from *Income Models for Open Access: An Overview of Current Practice*

since its inception, is to foster a more open system for the exchange of scholarly research results—a system that advances scholarship, leverages the opportunities presented by digital publishing technologies and ubiquitous networking, and reduces the financial pressures on libraries. Recognizing that changes to the traditional model of disseminating research have significant financial implications, especially for societies and other nonprofit publishers, SPARC commissioned this guide and encourages community discussion on the income models described as well as contributions related to new and other models.

Income models for Open Access: An overview of current practice is available for free to read or download online. The guide is supplemented by an extensive Web resource, which invites community discussion on models described as well as contributions related to new and other models. The resource is online at http://www.arl.org/sparc/publisher/incomemodels/.

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ARL Salary Survey Highlights

Les Bland, Statistics Liaison, ARL

The ARL Annual Salary Survey 2008–2009 shows that current ARL librarian's salaries have failed to keep pace with inflation. This is in contrast to 2007–08 when the increase in median salaries exceeded the rise of inflation as judged by the Consumer Price Index (CPI). The median salary of ARL academic librarians in the United States for 2008–09 was $63,673; an increase of 3.8% from the previous reporting period of 2007–08. However, during this same period, the U.S. CPI rose 5.6%. In Canada, the experience of ARL academic librarians was similar (but not as extreme): Canadian ARL academic librarians earned a median salary of $78,742 (Canadian Dollars) an increase of 3.3% from the previous year, which also failed to match a 3.4% rise in inflation as reported by the Canadian CPI. The salaries of ARL non-academic librarians experienced larger growth, as their median salaries increased 6%, from $80,261 (2007–08) to $85,320 (thereby exceeding inflation). Moreover, non-academic librarian's median salaries were 25.4% higher than that of academic librarians.

ARL Academic Librarians, FY 2008–2009*

	Men	Women	Combined
Total Filled Positions	3,127	5,337	8,464
Average Salary	$72,350	$69,610	$70,622
Average Years Experience	16.6	17.0	16.8
Total Number of Minorities**	329	724	1,053
Minority Average Salary**	$66,673	$63,648	$64,593
Minority Average Years Experience**	13.9	15.2	14.8
Total Number of Directors	48	63	111
Average Salary of Directors	$193,843	$200,113	$197,402
Average Years Experience of Directors (filled positions)	30.9	32.2	31.6

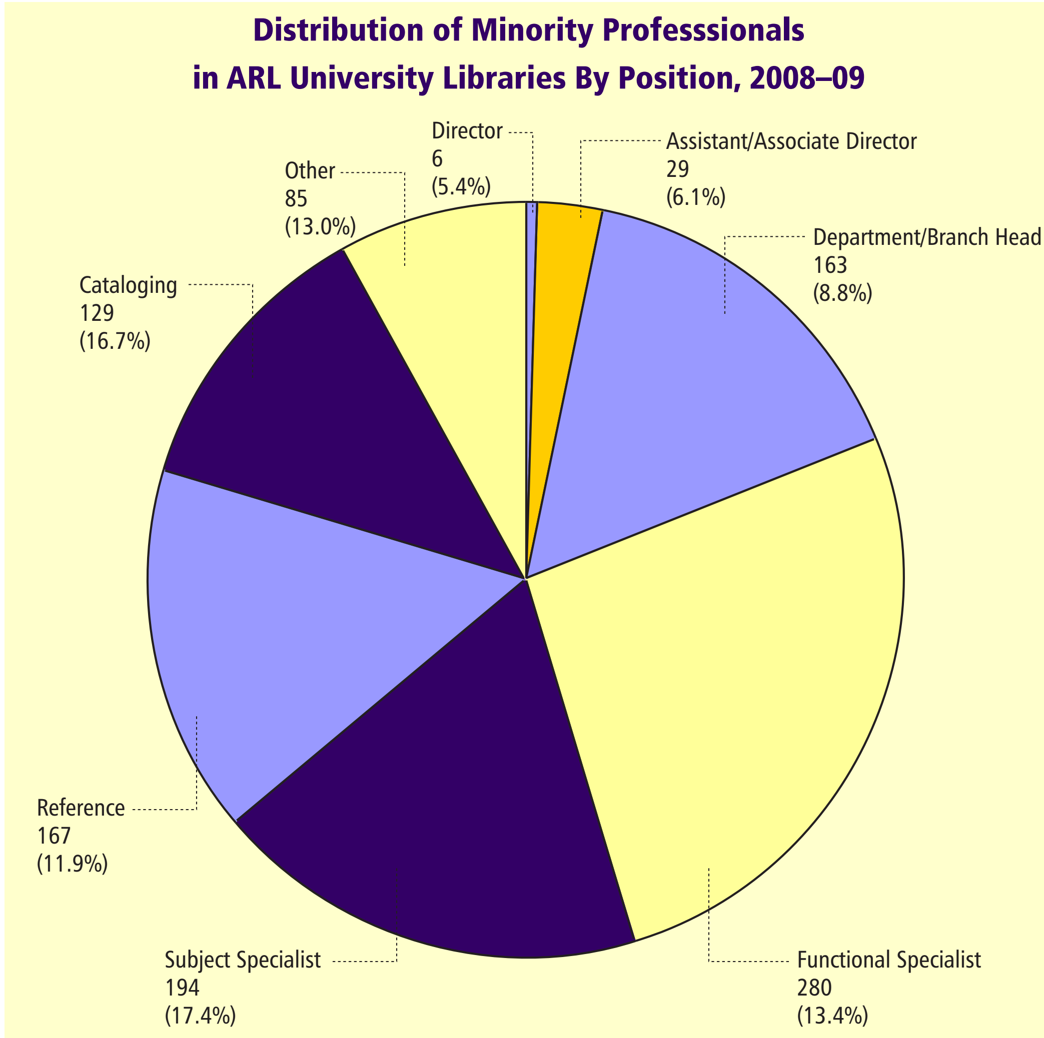
*Excludes law and medical libraries. Source: ARL Annual Salary Survey 2008–2009 data set.
**United States only.

While median Beginning Professional Salaries (BPS) have continued to increase for both academic and non-academic ARL librarians, their gains are stronger compared to the last reporting period (2007-08). Median BPS for ARL academic librarians rose from $41,125 (2007–08) to $44,000, which was an increase of 6.6% (there was only an increase of 2.8% in 2007–08). ARL non-academic librarians experienced a larger BPS rise of 8.4% (from a 2007–08 median BPS of $44,359 to $48,108 in 2008–09).

The U.S. dollar continued to decline in value during the salary survey period of July 2007–June 2008. For this study an exchange rate of 1.0101 used to convert it into Canadian currency.[1] This is the lowest value recorded for the U.S. dollar in a twenty-six year period. One ancillary effect of the declining worth of the U.S. dollar was a corresponding rise in median salary of Canadian ARL academic librarians (especially when converted to US dollars). Converted to US dollars, Canadian median salary ($77,954) increased 15.8%, four times more than the 3.8% salary increase of their US peers ($63,673). As a result, the continuing decline of the U.S. dollar increased the value of the median salary of Canadian ARL academic librarians.

Geographical region, public or private status of a university, and library staff size all influenced the average salary of ARL academic librarians. When judged by geographic regions, Canadian academic librarians enjoyed the largest salaries ($82,295) with the regions of New England, Pacific, and Middle Atlantic (respectively) having the next highest average salaries. U.S. librarians in private ARL universities earned 7% more than their peers in U.S. ARL public universities, with ARL private university librarians reporting an average salary of $72,287 compared to the ARL public university average salary of $67,509. Library size influenced salary: university libraries with a staff size over 110 made the highest average salary of $73,135 with university libraries with a staff size of 50–74 reporting the lowest average salary of $68,141 (a difference of 7.3%). Academic librarians in libraries with a staff size of 75–110 earned an average of $71,063, while university libraries with a staff size of 22–49 had an annual average of $70,287.

During this reporting period, the ARL university library workforce consisted of 63% females (5,337), with males (3,127) comprising 37% of the total. However, men were paid more than women. In ARL university libraries men reported an average salary of $72,344, while women made 3.8% less (an average salary of $69,610). This can be seen as an improvement since in



2007–08 women made 5% less than men. Likewise, when viewed by job category, the salary situation of female librarians also improved. Female directors of ARL university libraries reported an annual average salary of $200,113, while male directors averaged an annual salary of $193,843. However, when judged solely by experience, the average salary for men is consistently higher than the average salary for women. Men earned more than women in all ten of the experience cohorts recorded for ARL university libraries.

During the period covered in the ARL 2008–2009 Salary Survey, a total of 1,289 staff members were reported as belonging to one of the four minority groups monitored by ARL.[2] The same gender-based pay gap noted above is also observed amongst minority librarians in ARL university libraries: minority men (overall average salary: $66,673) earn more than minority women (overall average salary: $63,648) in all experience cohorts. Minorities are underrepresented in leadership positions in U.S. ARL university libraries. They comprise 14.1% of professional staff, but only 5.4% of directors, 6.1% of associate/ assistant directors and 8.8% of branch head librarians. See accompanying pie chart for the distribution of minority professionals in ARL university libraries by position.

[1] This is the average monthly noon exchange rate published in the *Bank of Canada Review* for the period July 2007-June 2008 and is used in converting figures that are shown effective as of 1 July 2008. This information can be accessed at: http://www.bankofcanada.ca/en/rates/exchange-avg.html.

[2] Black, Hispanic, Asian, and American Indian/Alaskan Native.

ARL Annual Salary Survey 2008–2009

Martha Kyrillidou and Les Bland, comps. and eds.

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News

ARL and ALA Release Statement on Showing Films in the Classroom

ARL and the American Library Association (ALA) recently released a statement, *Performance of or Showing Films in the Classroom*. This statement provides guidance on the digital delivery of content to the "physical" classroom.

When the Technology, Education and Copyright Harmonization (TEACH) Act was enacted in 2002, librarians hoped that it would provide some clarity on copyright exceptions for the digital delivery of content for distance education. In reality, understanding what is permitted under the TEACH Act in combination with the Digital Millennium Copyright Act (DMCA) and existing exceptions like fair use have become more confusing to many practitioners. The statement was written by Jonathan Band, legal counsel to ALA and ARL; Peter Jaszi, Professor of Law, Faculty Director of the Glushko-Samuelson Intellectual Property Clinic at American University Washington College of Law; and Kenneth D. Crews, Director of the Copyright Advisory Office at Columbia University. The statement is available at http://www.arl.org/pp/ppcopyright/webdigitalpsa.shtml.

UIUC's Janice Pilch Named ARL Visiting Program Officer

ARL has appointed Janice Pilch as a Visiting Program Officer (VPO) on International Copyright to work with ARL's Public Policies Strategic Direction. She is Associate Professor of Library Administration and Humanities Librarian at the University of Illinois at Urbana-Champaign Library.

Pilch's VPO position will greatly enhance ARL's efforts in the international copyright arena. In particular, her assignment will contribute to the work of the Library Copyright Alliance (LCA), whose members include ARL, the American Library Association (ALA), and the Association of College and Research Libraries (ACRL). The Visiting Program Officer on International Copyright will be responsible for research and policy formulation on international copyright issues relating to libraries. This includes identifying further strategic directions and potential alliances in which ARL and LCA may seek to influence legislation, as well as public policies governing use of copyrighted materials at the national and international levels.

ARL Transitions

Albany, SUNY: Mary F. Casserly was named Dean and Director of Libraries effective September 1. She has served as Acting Dean and Director since March and was previously the Assistant Director for Collections and Assistant Director for Collections and User Services.

Case Western Reserve: University Librarian Joanne Eustis has announced her retirement, effective December 31, 2009. Timothy Robson, currently deputy director, will serve as interim university librarian.

Howard: Mod Mekkawi announced his intention to retire as Director of Libraries, effective December 2009.

Indiana: Carolyn Walters was appointed Interim Ruth Lilly Dean of University Libraries at Indiana University, Bloomington following Patricia Steele's departure to University of Maryland Libraries.

Kent State: Mark Weber has announced that he will retire as Dean of University Libraries effective July 1, 2010.

Maryland: Patricia A. Steele was appointed Dean of University Libraries, effective September 1.

New York Public Library: Ann Thornton has been named Acting Andrew W. Mellon Director of The New York Public Libraries beginning in November.

Ohio State: Carol Pitts Diedrichs was named Director of University Libraries effective January 5, 2010. Raimund Goerler is serving as Interim Director.

Yale: Alice Prochaska announced her plans to resign as University Librarian, with a study leave beginning in January 2010. She was appointed Principal of Somerville College, Oxford, England, effective September 2010.

ARL Staff Transitions

Jaia Barrett, ARL Deputy Executive Director, announced her retirement effective spring 2010. Recruitment for a successor began with an announcement on the ARL Web site.

Brandon Butler was named ARL Law and Policy Fellow in August. His one-year assignment at ARL to work on Public Policies matters is supported by the law firm Dow Lohnes.

Tiara Chaney was named ARL Receptionist/Office Assistant on August 24 taking the position vacated by **Lillian Fields** who retired at the end of July.

Tricia Donovan joined the ARL staff as Administrative Assistant in support of ARL's three strategic directions, effective June 29.

Victoria Sanders began a two-year grant-funded assignment as Project Assistant on August 18. She provides support for the ARL Career Enhancement Program and the Research Library Leadership Fellows program.

Gary Roebuck, Technical Operations Manager, Statistics and Measurement, resigned September 18 to take a position in the private sector. Recruitment is underway.

Other Transitions

International Federation of Library Associations and Institutions (IFLA): Ingrid Parent (University of British Columbia) was elected to serve as IFLA President-Elect for 2009–11 and President for 2011–13.

National Archives and Records Administration (NARA): President Obama nominated David S. Ferriero to be the 10th Archivist of the United States. He has been the Andrew W. Mellon Director and Chief Executive of the Research Libraries at the New York Public Library since 2004. Previously, he was the University Librarian and Vice Provost for Library Affairs at Duke University. Prior to Duke, he had worked for 31 years in the Massachusetts Institute of Technologies libraries. Former Archivist Allen Weinstein, a historian, resigned in December. The Senate confirmation process is underway.

National Endowment for the Arts: The Senate confirmed Rocco Landesman as the Chairman of the NEA.

National Endowment for the Humanities: On August 7 the Senate confirmed former Congressman Jim Leach as the ninth Chairman of the National Endowment for the Humanities. Most recently he was Visiting Professor of Public and International Affairs at the Woodrow Wilson School of Public and International Affairs at Princeton. While serving as a member of the House for the state of Iowa, he founded and co-chaired the Congressional Humanities Caucus.

National Information Standards Organization (NISO): The NISO membership elected new leadership for its Board of Directors for 2009–10, effective July 1. Janice Fleming (American Psychological Association) is now Vice Chair of the board and will become Chair in 2010. Chuck Koscher (CrossRef) is now Chair. Five new board members were elected to join the other currently serving members on the board: Nancy Barnes (ARMA International), John Harwood (Pennsylvania State), Charles Lowry (ARL), Heather Reid (Copyright Clearance Center), and Winston Tabb (Johns Hopkins). Oliver Pesch (EBSCO) replaced James Neal (Columbia) as Past Chair.

National Institutes of Health (NIH): The Senate confirmed Francis Collins, a geneticist and physician who spearheaded the Human Genome Project, as Director of the NIH. Collins will succeed Acting Director Raynard Kington and former Director Elias Zerhouni, who resigned last October.

Memorial

Richard Chapin 1925-2009

Dr. Richard Chapin, Director emeritus of the Michigan State University Libraries, passed away on July 30, 2009, at the age of 84. He served as the director of MSU libraries from 1959 to 1988, building the collections at Michigan State University from a modest 750,000 volumes to well over 3 million. Prior to MSU, he worked in the libraries at Florida State University, University of Illinois, and University of Oklahoma. He also served as Director of the MSU Press from 1985 to 1989. Dr. Chapin was an active member of the library community, serving as officer and board member of ARL as well as ALA, Michigan Library Consortium, the Ohio Library Consortium, and the Michigan Library Association.

ARL Calendar 2010

http://www.arl.org/events/calendar/

March 15–19, 2010	Service Quality Evaluation Academy New Orleans, Louisiana
April 12–13, 2010	CNI Spring Task Force Meeting Baltimore, MD
April 27–30, 2010	**ARL Board & Membership Meetings** Seattle, Washington *Note new dates*
July 12–14, 2010	National Diversity in Libraries Conference Princeton, New Jersey
October 12–15, 2010	**ARL Board & Membership Meetings** Washington DC
October 25–27, 2010	Library Assessment Conference Baltimore, Maryland
November 8–9, 2010	SPARC Digital Repositories Meeting Baltimore, Maryland
December 13–14, 2010	CNI Fall Task Force Meeting Washington, DC

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