Present:  Mr. Ted Bergfelt, Gumberg Library  
Dr. Benjamin Binder, School of Music  
Mrs. Bridget Euliano, Gumberg Library  
Dr. Ruth Hicks, McAnulty College  
Dr. John Lech, School of Pharmacy  
Dr. Stuart Kurland, Faculty Senate  
Dr. Laverna Saunders, University Librarian  
Dr. James Ulrich, SLPA  
Mrs. Kathryn Liehrmann – recorder  

Excused: Dr. Suhail Abboushi, School of Business  
Dr. Perry Blatz, McAnulty College  
Dr. Alison Colbert, Nursing  
Ms. Amanda Fernandez, SGA  
Dr. Gibbs Kanyongo, School of Education  
Ms. Lauren Perine, SGA  
Dr. Michael Seaman, BSNES  
Dr. Diane Williams, School of Health Sciences  
Ms. Nagi Yarravarapu, GPS  

Guests: Diana Sasso, Director of Information Services  
John Euliano, Resource Sharing Librarian  
Alyson Youngblood, Circulation & Reserves Assistant  
Sara Grozanick, ETD Librarian  

I. LibQUAL+ Lite Survey – Bridget Euliano  

- The survey is going on now through February 29th.  
- While we have had strong student participation in the survey, we would like to increase the level of faculty and staff participation.  
- As of yesterday, 54 faculty members completed the survey. As of Tuesday, 16 staff members completed the survey.  
- Please encourage any faculty and staff you know to take the survey.  
- A link to the survey is on the library web page.
II. **Budget Update** – Bridget Euliano

- We are continuing to manage the impact of the budget reduction for the current fiscal year and plan for the impact of it for next fiscal year.
- Our Electronic Resources Review Committee is currently reviewing all of the library's subscriptions and will be making recommendations for cancellations for next fiscal year.

III. **Workshop Schedule**-Ted Bergfelt (attached)

IV. **Copyright Discussion** --Diana Sasso, Sara Grozanick, John Euliano, Alyson Youngblood (PowerPoint attached)

- The presentation of “Copyright Issues for Instructors” of 2/16/12 posted to the ULC campus guide (http://guides.library.duq.edu/ule)

Calendar:
- LibQUAL+ Survey, Feb. 6-29
- Spring Break, Feb. 27-Mar.3
- Easter Break, Apr. 5-9
- National Library Week, Apr. 8-14
- Silverman Symposium, Apr. 19-20
- Spring Finals, Apr. 25-May 1
- Commencement, May 4

**Spring Semester Meeting Schedule:**

March 15 3-4 p.m. L-202

April 19 3-4 p.m. L-202

Next meeting library staff will continue the discussion on copyright clearance and compliance.

Respectfully submitted,
Kathryn Licrmann
2/16/12
Upcoming Gumberg Library Presentations

All presentations will take place in room 408 Gumberg Library

February

Researching the Bible with Oxford Biblical Studies Online
Presenter: Ted Bergfelt
Friday, February 17, noon-1 p.m.
This 60 minute workshop will be presented for members of the Duquesne community interested in learning more about the books of the Bible, their historical contexts and meaning. Oxford Biblical Studies Online contains five translations of the Bible published by Oxford, and study notes from five popular study Bibles. It also provides access to two concordances, a dozen well-respected works of biblical reference, and almost 1,000 searchable images.

Advanced RefWorks
Presenter: Emily Cantin
Thursday, February 23, 5-6 p.m.
After attending “Getting Started With RefWorks,” come learn more about additional features, adding in-text citations and footnotes with Write-n-Cite, and how to format a paper and bibliography from within RefWorks.

Copyright for Instructors: Opportunities & Considerations
Presenters: Sara Grozanick, Diana Sasso, John Euliano, & Alyson Youngblood
Friday, February 24, noon-1:15 p.m.
Basic understanding of copyright is essential for both online and classroom instructors. This 75 minute workshop will introduce Duquesne’s copyright policy and fair use guidelines.

March

Getting Started with RefWorks
Presenter: Charlotte Myers
Tuesday, March 13, 2-4 p.m.
Keep track of your research and create bibliographies with RefWorks, an online bibliographic management tool that is FREE to all Duquesne users. We’ll show you how to create an account, create and import references, and generate a bibliography.

Introducing ebrary
Presenter: Rob Behary
Thursday, March 15, 11 a.m.-noon

Google Scholar
Presenter: Marcia Rapchak
Thursday, March 22, 11 a.m.-noon

Advanced RefWorks
Thursday, March 29, 4-5 p.m.

For registration information please visit Gumberg Library at http://guides.library.duq.edu/presentation
COPYRIGHT ISSUES FOR INSTRUCTORS

Presenters
Sara Grozanick, ETD
Coordinator
Alyson Youngblood
Course Reserves Assistant
John Euliano
Resource Sharing Librarian
Maureen Diana Sasso, Dir., Information Services

Copyright: What?
[...] a form of protection provided by the laws of the United States (Title 17, U. S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works.

-U.S. Copyright Office

Today's topics:
- How copyright affects faculty and the library supporting research and teaching
- Duquesne's Copyright Policy and Fair Use Checklist
- Copyright cost trends in course reserves and resource sharing
- Communicating with faculty about compliance expectations and cost containment measures
- Q & A

Copyright: Why?
"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries"

-U.S. Constitution, Article I, Section 8
### Duquesne Copyright Policy

**What?**
- Copyright law as germane to teaching and research at Duquesne
- "Information, guidelines, resources, and additional support for addressing issues related to copyright"

### Fair Use Defined
- "Limitation on exclusive rights" allowing that "use [...] for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright" determined by the application of 4 factors.
  - Section 107, U.S. Copyright Law
- "the right to use copyrighted material without permission or payment under some circumstances"
  - Association of Research Libraries

### Duquesne Copyright Policy

**Why?**
- "[...] to ensure that Duquesne University administrators, faculty, librarians, employees, students, and others will follow appropriate procedures when making use of the intellectual and creative property of others in their own research or teaching."
- Facilitate the balance between "the free exchange of ideas" and respect for intellectual property and adherence to U.S. copyright law

### Fair Use Test
- Four elements of fair use
  - **Purpose of your use**
  - **Amount of work used**
  - **Nature of the work**
  - **Effect of use on market**
- Apply the [DU Fair Use Checklist](http://guides.library.duq.edu/copyright)

### Fair Use Analysis

**Favoring**
- Teaching
- Research, scholarship
- Nonprofit education institution
- Criticism, comment
- Transformative or productive
- Restricted access
- Parody

**Opposing**
- Commercial activity
- Profiling from use
- Entertainment
- Bad-faith behavior
- Denying credit to original author
Best Practices
- always attribute sources
- good-faith behavior
  - use fair use checklist
- look for licensed content
  - library databases, etc.
  - internet — creative commons general licenses
- look for public domain content
  - pre-1923
  - US government publications

Electronic reserves overview
- Processed in the order received.
- Takes longer at peak times.
- Prefer links to gumberg licensed resources.
- E-reserve link can go in blackboard site.
- Forms and policy found on course reserves pages
  [http://guides.library.drexel.edu/reserves]

When permission is needed
- Posted only when rights holders grants permission.
  - Publishers sometimes require up to eight weeks to
    grant permission.
  - Publishers' contractual terms vary.
  - Publishers sometimes deny permission.
  - Permission fees are sometimes prohibitively expensive.

What does this mean for instructors?
- The library may not be able to place all requested materials on e-reserve due to high fees
  or permission denials.
- Reserve requests must be submitted with ample time to seek permission from rights holders.
When should requests be submitted?

Reserve requests must be submitted at least one month in advance of the date they will be needed.

Adequate lead time allows for:

- Manuscript to be physically processed
- Copyright permission to be sought and obtained
- Replacement material to be obtained if necessary

Copyright permission fees are typically assessed as:

\[
\text{pages} \times \text{students} \times \text{per-page fee} = \text{permission fee}
\]

E-reserve item requests submitted with two weeks or more of lead time

Fall 2011
- 20% (316 of 1602 e-reserve item requests)

Spring 2012
- 39% (613 of 1585)

So a fee for one e-reserve reading might look something like this

\[
25 \text{ pages} \times 30 \text{ students} \times \$0.17 \text{ per page} = \$85
\]

One course with 10 such readings would cost \$850.

Spring 2012 e-reserve usage and copyright permissions

1,585 items for 96 courses

- Copyright permission sought for 331 items
- Copyright permission not sought for 1,254 items
Copyright Clearance Center permission fees

Copyright: When?

CONTU Rule of Five (1976): A library may request 5 copies of articles from the most recent 5 years of a single journal during a calendar year.

After that, a library may still request articles from the most recent 5 years of that journal, but it must pay copyright fees to the Copyright Clearance Center (CCC).
Copyright Costs

Gumberg Library's Interlibrary Loan Copyright Costs:
2009: $7,913.74
2010: $12,103.55
2011: $8,877.52 (average cost per permission = $37)

In 2009, the CCC had total revenues of $206.5 million, an increase of almost $140 million from 1999.

Other Implications

- Items obtained through Interlibrary Loan are intended for the personal research use of the requestor.
- Such items will not be placed on reserve.
- Different universities have different interpretations regarding how strictly Interlibrary Loan transactions must be reported to the CCC.

Alternatives to CCC

- Purchase the article from the publisher or a commercial document delivery service
- Consider subscribing to the journal
- If possible, defer request until next calendar year when the counter has reset
- Could another resource suffice?

The Subscription Alternative

Not surprisingly, the journals that have higher copyright permission costs (P) tend to cost more for a subscription (S).

Current Pharmaceutical Design: $61.50 (P) vs. $7,410 (S)
Expert Opinion of Investigational Drugs: $87.50 (P) vs. $6,660 (S)
Current Medical Chemistry: $59.50 (P) vs. $5,660 (S)
Journal of Palliative Medicine: $53.50 (P) vs. $1,109 (S)
Journal of Mass Media Ethics: $37.54 (P) vs. $629 (S)

Committee input needed

- Compliance with policy
  1. Discourage “back door” methods
  2. Need substantially more lead time for reserves requests
- Cost control measures
  1. Use licensed materials
  2. Change materials regularly
  3. Cost limits for Interlibrary Loan and course reserves

Diana Sasso
Questions for the Committee

1. What is your reaction to the feasibility of asking for more lead time for reserve requests?
2. How best can we communicate this need? Could you relay the message in your schools?
3. What is your reaction to the feasibility of suggested cost control measures? We can help find alternate materials and will create a guide for making durable links.
4. If we need to limit costs for course reserves—what would seem an equitable method? E.g. instructor cap, course cap?

References


Contacts

<table>
<thead>
<tr>
<th>Sara Grozanick</th>
<th>John Euliano</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:grozanick@duq.edu">grozanick@duq.edu</a></td>
<td><a href="mailto:euliano@duq.edu">euliano@duq.edu</a></td>
</tr>
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<thead>
<tr>
<th>Alyson Youngblood</th>
<th>Diana Sasso</th>
</tr>
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<tr>
<td><a href="mailto:youngblooda@duq.edu">youngblooda@duq.edu</a></td>
<td><a href="mailto:sasso@duq.edu">sasso@duq.edu</a></td>
</tr>
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**DUQUESNE FAIR USE CHECKLIST**

*Please complete and retain a copy of this form in connection with each possible “fair use” of a copyrighted work for your project.*

<table>
<thead>
<tr>
<th>Name:</th>
<th>Date:</th>
<th>Project:</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
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</tbody>
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Department: ___________________ Prepared by: ___________________

**Title/Description of Work Used:**

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaching (including multiple copies for classroom use)</td>
<td>Commercial activity</td>
</tr>
<tr>
<td>Research</td>
<td>Profiting from the use</td>
</tr>
<tr>
<td>Scholarship</td>
<td>Entertainment</td>
</tr>
<tr>
<td>Non-profit educational institution</td>
<td>Bad-faith behavior</td>
</tr>
<tr>
<td>Criticism</td>
<td>Denying credit to original author</td>
</tr>
<tr>
<td>Comment</td>
<td></td>
</tr>
<tr>
<td>News reporting</td>
<td></td>
</tr>
<tr>
<td>Transformative or productive use (changes the work for a new utility)</td>
<td></td>
</tr>
<tr>
<td>Restricted access (to student or other appropriate group)</td>
<td></td>
</tr>
<tr>
<td>Parody</td>
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</table>

**Reasoning:**

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<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
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<tbody>
<tr>
<td>Small quantity of work used</td>
<td>Large portion or whole work is used</td>
</tr>
<tr>
<td>Portion used is not central or significant to entire work</td>
<td>Portion used is central to work or “heart of the work”</td>
</tr>
<tr>
<td>Amount is appropriate for favored educational purpose</td>
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</table>

**Reasoning:**

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
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<tbody>
<tr>
<td>Published work</td>
<td>Unpublished work</td>
</tr>
<tr>
<td>Factual or non-fiction based</td>
<td>Highly creative work (art, music, novels, films, plays)</td>
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<td>Important to favored educational objectives</td>
<td>Fiction</td>
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</table>

**Reasoning:**

<table>
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<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
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</thead>
<tbody>
<tr>
<td>User owns lawfully acquired or purchased copy of original work</td>
<td>Use could replace sale of copyrighted work</td>
</tr>
<tr>
<td>One or few copies made of copyrighted work</td>
<td>Reasonably available licensing mechanism for use of copyrighted work</td>
</tr>
<tr>
<td>No significant effect on the market or potential market for the copyrighted work</td>
<td>Significantly impairs market or potential market for copyrighted work or derivative</td>
</tr>
<tr>
<td>No similar product marketed by copyright holder</td>
<td>Affordable permission available for using copyrighted work</td>
</tr>
<tr>
<td>Lack of licensing mechanism</td>
<td>Numerous copies made of copyrighted work</td>
</tr>
<tr>
<td></td>
<td>Work made available on the Web or other public forum</td>
</tr>
<tr>
<td></td>
<td>Repeated or long-term use of copyrighted work</td>
</tr>
</tbody>
</table>

**Reasoning:**

*Adapted from IUPUI, U. of Nebraska*