UNIVERSITY COMMITTEE ON LIBRARY
MEETING MINUTES – NOVEMBER 13, 2006

## I.     Chair's Announcements

**ISSUE:**  Chair Crow welcomed the committee and made introductions.  He provided an update to the committee on Bylaw 185, which is currently before Academic Council.  He noted that it expands UCOL's mandate to include oversight of 'innovations in scholarly communication', as well as expanding the membership of the committee to three at-large members.  He is hopeful that the bylaw change will be complete sometime early in 2007.  Chair Crow also announced that a letter has been sent to the Systemwide Library and Scholarly Information Advisory Committee (SLASIAC) regarding a statement on fair use.  Chair Wartella has responded that a subcommittee has been established, which Ben Crow is a member of.

**DISCUSSION:**  Consultant John Ober clarified that the Standing Committee on Copyright has recently been folded into SLASIAC.  The former Standing Committee on Copyright had completed some work on fair use, and Chair Crow's letter prompted SLASIAC to complete this work.  In a parallel stream, campus libraries are trying to draft statements/guidelines on fair use.

## II.    Google Digitization Project Update and University Librarian Subpoena

**ISSUE:**  Office of the President (UCOP) Counsel Eric Behrens updated the committee on subpoena that the University Librarians (UL's) have received in connection to UC's involvement in the Google digitization project.  He said that the subpoena, which is associated with the law suit filed against Google by the Publisher's Association for violation of copyright, seeks documents pertaining to UC's contract with Google and the negotiations leading up to that contract.  Google is arguing that its digitization project will actually increase sales of publishers, as it only provides 'snippets' of books, which will motivate users to buy the books.  Per the contract, UC will receive digital copies of everything that Google digitizes and should be allowable per fair use rules.  UC is not differentiating between non-copyrighted and copyrighted materials; Google is basically digitizing almost everything with some exceptions (rare collections, etc.).  Google has also agreed to indemnify UC against any judgment emerging from law suits resulting from the digitization project.  Other Google partners include the New York Public Library, Harvard, University of Michigan, and Stanford, which have all received similar subpoenas.  External counsel has determined that there are three tiers of documents that must be collected.  The first tier is documents originating with and between Dan Greenstein and UCOP legal counsel; the second tier include other Office of the President (UCOP) documentation; and the third tier are any documents originating from the university librarians on the campuses.

Consultant Ober reminded members that UC is involved in two digitization projects—the Open Content Alliance (OCA) and Google.  In both cases, UC supplies the books.  In the OCA, UC selects books that are already in the public domain with an initial concentration in English fiction.  With Google, UC does not curate the materials; all books are being digitized.  OCA's goal is 100,000 books, with 20,000 books already digitized.  Google's contract with UC allows Google to digitize 3,000 books per day for a period of six years.  One motivation is that UC no longer has to spend its own money to digitize certain masses of materials.  While every UC

library has a fairly strong digitization effort in its rare materials, but there is no connection to the Google project.

**DISCUSSION:** One member asked if the Google project is connected to a statement on fair use. Counsel Eric Behrens responded that these two things are separate. Another member asked if the electronic copies that UC will receive will be made available to students and faculty (or even to the general public). Legal Counsel responded that the outcome of the law suit will determine whether UC will be allowed to make these electronic copies available locally. Consultant Ober added that there is an exception to copyright law for the purpose of archiving and preservation of materials. Chair Crow asked if faculty should comment on the subpoena, which legal counsel advised against. Members also inquired about the conditions that determine fair use. Consultant Ober commented that they are four conditions, which can be interpreted subjectively (he will send these conditions to members). Consultant Lise Snyder drew a parallel to E-books, remarking that it is very difficult it is to make hard and fast rules regarding the distribution of digital copies of material. Members also held a short discussion on copyright. Consultants made a distinction between monographs and journals, which must be treated differently than monographs (even those journals that were originally published before 1923). This has to do with the fact that the publishing company that currently owns the journal also owns the copyright. On that note, Consultant Ober mentioned that the UCSF Library is holding a copyright workshop in early December.

**ACTION:  Consultant Ober will distribute the materials from the UCSF copyright workshop from San Francisco Alternate.**

### III.     Proposed Policy on Stewardship of Electronic Information
**ISSUE:** Chair Crow briefly presented the proposed policy on stewardship of Electronic Information, which he described as a straight-forward policy. Consultant Ober clarified that library systems would be subject to this policy.

**DISCUSSION:** While members agreed to the policy in principle, they asked for a clarification of the following terms, which seem to be vaguely defined:  scholarly information, academic information, electronic information systems, electronic information, university information, institutional information, departmental information, and major enterprise systems. The committee was concerned that these terms are being using synonymously, and wondered if some or all of these terms are considered key technical terms in the field of information technology. Members also wanted to inquire whether all departmental information would be subjected to this policy. Furthermore, the proposal's use of the term stewardship could be confusing, as stewardship denotes other meanings besides that indicated by this proposal. For example, stewardship also implies the preservation of scholarly materials in digital format.

**ACTION:  UCOL will send a letter to Academic Council asking for a clarification of the terms mentioned above.**

### IV.     Announcements from the Academic Senate Office
**ISSUE/REPORT:** Chair Oakley thanked the committee for their service to shared governance. He described the University leadership as a triangle with the President, the Senate, and The

Regents. He reported that faculty governance is particularly strong right now, remarking that President Dynes regularly consults with the Senate. He also commented on the most recent Regents' meeting, highlighting several issues including a reorganization of the Office of the President (UCOP), the budget, and compensation. He noted that it is the Senate's position that any Chief Operating Officer (COO) of the University (who would be assigned budget responsibilities) should be an academic with competencies in business and management, but not someone coming from a purely business background. Similarly, the Provost is concerned that he must not only look after UC's academic welfare, but also budget. To that end, UC is currently recruiting for the position of Vice Provost for Academic Planning and Budget.

Vice Chair Michael T. Brown encouraged members in their role of shared governance, which, on the one hand, require members of standing systemwide committees to represent the views of the their respective campuses; but, on the other hand, members should seriously discuss issues and allow themselves to be informed by the views of other members and form systemwide Senate perspectives. He also highlighted the present state of diversity and inclusiveness within UC as one of the main priorities of the Academic Council this year. He noted that this initiative has emerged from a proposal from student Regent María Ledesma and Regent Reese, who commissioned a study to examine the impact of Proposition 209 in terms of its diversity in all areas at UC--students, faculty, and staff. A study group has been convened and the Academic Council is looking to support that effort with its own analytical work with a deadline of March 2007.

Maria updated the committee on Bylaw 185. She noted that Academic Council has sent Bylaw 185 to the Committee on Committees (COC), but she does not foresee any problems. She also commented on the process of making Bylaw amendments or even drafting a policy paper, recommending that UCOL engages the divisional chairs and/or other systemwide committee chairs before the issue reaches Academic Council. She also encouraged members to communicate with other standing committees as the need arises. For example, if the committee is concerned about library budgets, they should send correspondence to Academic Council Chair Oakley or UCPB stating its concerns.

Maria said that the minutes are public, once approved. Once approved, the minutes are posted and we are not allowed to redact them. Assembly is the only committee that is a public committee; all other committees are by invitation only. The Senate's web policy—all drafts/position papers must be approved by the Academic Council. She referred members to the Committee Handbook, which states in bylaw 40B, it must get the approval of the Academic Council for formal positions/actions. She reminded members that the travel reimbursement policy of 21 days will be strictly enforced.

**DISCUSSION:** Members asked about transparency. Chair Oakley mentioned that the total compensation of senior executives has been made available on-line; and the total compensation of all UC employees have been delivered to the Chronicle and the campus libraries. Hard-copy information on all employees' salaries are available but not instantly accessible on-line. Off-scale faculty salaries are another issue. The bottom line is that transparency for executive-level positions is a common goal, but whether or not transparency for lower-level employees is

appropriate is another question.  It is the Senate's position that executive salaries should not lead faculty salaries, but it should be the other way around.

**V.      Consent Calendar**
**A.      UCOL Annual Report, 2005-06**
**ACTION:  The committee unanimously approved the annual report.**
**B.      Teleconference Minutes**
**ACTION:  The committee unanimously approved the annual report.**

**VI.      Library/Campus Strategy Reports**
**ISSUE/REPORT:**  Members presented their campus strategy reports and/or updated members on library news from their respective campuses.

Santa Barbara
The Santa Barbara member could not find any long-range strategy plan for the library.  He pointed out that UCSB has a flat budget, which may partially account for the lack of a coherent strategy for the library.  UCSB also lacks a UL.  A Senate faculty survey has also been conducted on library services, which covers issues of scholarly communication as well as library issues.  He plans to share it with the committee at a future date.  Preliminary results indicate that humanities faculty highly value foreign-language monographs, while faculty in other disciplines (such as the sciences) value journals.

Davis
The Davis member obtained a mission statement for the Davis library from the 2005-06 academic year, which lists a number of priorities.  The first is maintaining the strength of library collections.  There is also concern about the ongoing price inflation of materials (especially journals).  The second is reliable access to scholarly materials in and through library facilities (i.e. educational technologies).  The mission statement also highlights efforts to improve the efficiency of the library and the scale of resource sharing.  The fourth is to develop and provide state of the art systems that make access to the library more convenient.  Finally, maintaining and enhancing an effective user system remains a priority.  Another thing is that Davis is involved in a rather extensive capital campaign, which promises to also increase the resources of the library.

Riverside
As the Riverside member is a new member on UCOL, he did not have anything prepared.  He did not however, that the UCR library is currently hiring a number of critical staff.

San Francisco
The San Francisco alternate emphasized that the issue of electronic transfers, given the multi-campus structure of UCSF.  While the library is not mentioned in the current campus planning campaign, there is ongoing correspondence with the divisional Academic Senate to introduce it into some strategic places.  There is also call for repurposing library space, which the local library committee is addressing.  The faculty viewpoint is that some special collections space should be used for computer labs and instructional technology.  Faculty would also like to have a place devoted in the library to work when they are on-campus.

Santa Cruz
While UCSC has developed a campus plan, the library is not mentioned within it either. It is apparent that the library as a physical space is most important for undergraduate students, as well as faculty in the humanities. Science faculty require electronic access to journals, and therefore they do not value the physical building as much as these other groups.

Berkeley
Berkeley did succeed in inserting the library into its '21st Century Plan.' The Berkeley division also passed a requirement that new programs/departments applying for funding would have to submit a library impact statement. The few statements that the Berkeley library committee did receive were generally short, and they did not reflect a larger view of the library as more than just a physical space. The Berkeley member remarked that this mechanism was only really used once, but it does still exist.

Irvine
The Irvine member reported that the library has record high visits. He also reminded other members that the library is preparing for a new law school, which will impact its strategic planning.

**DISCUSSION:** The Davis and Santa Barbara members remarked that they also have mechanisms by which new programs must submit their requirements to be vetted by the local library committees. Members expressed the need to find out if such mechanisms exist on other campuses. Consultant Ober said that this type of review involves a number of levels. The first is the campus-wide level. The committee would like to see data on faculty views/valuation of the library's functions (as opposed to the value of the physical building alone). Members discussed possible actions. Commenting on the non-traditional functions of the library, consultant Snyder added that there is a relatively large workload involved in facilitating electronic materials and access. She stressed that in the same way traditional materials must be vetted, so are electronic materials. The issue of the role of the library on the campus should be increasingly important for the campus community. Members said that it is important to bring the people who use the library electronically at their desks on-board in support of the library. One member pointed out that for most faculty members, digital access to scholarly information has only improved over time; therefore, it may be difficult to convince the typical faculty member of the need for the advocating in favor of increased library budgets. That withstanding, the costs of providing digital access to scholarly information (and the costs of maintaining that information) are increasing; library budgets need to be augmented to offset these cost increases.

Chair Crow noted that he would like to promote two things: (1) increase the awareness of the changing nature of libraries on the campuses; and (2) champion libraries within the Academic Senate. To that end, members discussed possible actions. While an educational interactive module could be produced, members felt that this would be ineffective overall. Consultant Ober offered that the physical building of the library should be taken out of the equation. He suggested asking Academic Council to inquire where these decisions about the long-term provision for access to scholarly information being made. This would provide the committee the opportunity to insert the library into some of these discussions. Analyst Todd Giedt suggested that the committee develop a proposal that could be delivered to Academic Council towards the

end of the year.  Members also suggested invited Provost Hume or President Dynes to one of their meetings in order to make them aware of these issues.  In the end, members decided to draft a letter to Academic Council asking to investigate where these issues are being discussed on the campuses.

**ACTION:  Members proposed the drafting of a letter to Academic Council to investigate where discussions on electronic access to scholarly information are occurring, and in what venues these decisions are being made.**

## VII.    Scholarly Communication

**ISSUE:**  Chair Crow noted that the task is two-fold.  First, members are mandated to look at the white papers and think how they could be amended/expanded; and (2) how the committee can push forward white paper topics into possible policy suggestions.  He also reported on the President's copyright working group, which is revising the proposed copyright policy.  He said that legal counsel did not give much legal weight to the proposed policy; in other words, they argued that you could not create a legal framework whereby faculty could transfer their copyright to the University by default.  Legal counsel would require that each individual faculty member sign away his or her copyright.  Therefore, the working group is moving towards a legal mechanism that would allow faculty members to opt-in through an addendum to publication agreements.  In its current phrasing (which the Assembly passed in May), the policy simply does not have the legal support.  Consultant Ober added that they are about a month away from generating a concrete proposal that would fulfill both the legal requirements and the spirit of the original proposal (the policy language will state faculty members should regularly transfer their copyright to UC).

**DISCUSSION:** Members discussed the copyright policy proposal and the legal mechanism by which it would work.  Consultant Ober noted that MIT has already encouraged its faculty to use a copyright addendum with some success.  Members noted that at some point, it will be more important for publishers to hold onto authors; they stressed that the only way to make this happen is build critical mass from the top 25 universities.  Finally, some members expressed their preference that copyright agreements are sent to UCOP legal counsel automatically.  However, consultants cautioned that there are simply not enough resources to do this sort of thing.

**ACTION:  Members agreed to postpone discussion on specific white papers until the December teleconference.**

## VIII.   Personal Repositories & Academic Promotion

**ISSUE:**  Chair Crow explained that this involves facilitating the way in which faculty members publishing papers/chapters on the internet, as well as facilitating and making more efficient the personnel process.  For the purposes of this discussion, members looked at the Berkeley Electronic Press (BePress) software, which allows faculty members to easily create and maintain a website that facilitates access to his or her publications.

Professor Croughan said that each CAP divisional committee has a different way of managing the personnel process.  Some are completely paper-based, to a mix of paper and electronic; none

are completely electronic.  Whatever the media, the point of access is generally strictly controlled however. While attempts have been made to attempt to allow the personnel process to meet multiple purposes (i.e. grants applications, etc.), the programming needs were simply too intensive and complicated, and these initiatives generally failed.

Catherine Candee provided some additional background.  UC libraries have been involved in this area for about six years, with the e-scholarship emerging as the most successful platform.  She made a distinction between personal repositories (such as faculty websites or even a faculty's personal BePress site) and institutional repositories (such as e-scholarship), which are more important.  The value of personal repositories is that they sometimes can be used to feed into an institutional open-access repository.  A related issue is copyright.  In many cases, publishers will allow an author to post a document to their personal repository, but not to an institutional repository.

On a related note, Catherine Candee mentioned that a SLASIAC task force has also been established that is looking broadly how the University should better support publishing and teaching.  Its initial findings are that publishing support should very much be part of the research infrastructure, which should be viewed from the point of view of merging research activities.  She advised members that before the committee looks at any specific software, BePress has to be programmed so that it provides automatic deposit into the e-scholarship repository.  She also cautioned that any bio-bibliography software should be primarily evaluated on its own merits for meeting the needs of scholarly information and communication, while keeping in mind a possible intersection with the academic personnel process sometime in the future

Nick Jewell gave a presentation on the BePress software package.  While most faculty members feel that they should have their own website(s), they are often difficult to create and maintain. There also is very little commonality between websites, making them of little use at the departmental and university levels.  In short, these are tools for faculty to make their work more broadly available  It also must be something that looks good, easy to use and to update (allowing faculty to update their bibliographical information themselves), and can be captured and aggregated for promotion and archiving.  On this last point, any academic personnel management system tools should be able to interface with bio-bibliography software.  Finally, he noted that other universities are much farther ahead of UC, such as MIT.

**DISCUSSION:**  Members discussed what publishers allow authors to post on their personal repositories as compared to institutional repositories.  Nick added that one of the tools that BePress is working on is a wiki where faculty could provide feedback and updates on the latest copyright policies of certain publishers.

Chair Crow asked UCAP Chair Croughan if UCOL could encourage the movement towards the digitization of the academic personnel process, perhaps even co-drafting a resolution with UCAP to this end.  She responded that there is a difference between what can be done systemwide and what can be implemented on the individual campuses.  Referring to the latter, she cautioned that there is a general lack of resources on the individual campuses.  While she is generally supportive of a joint UCAP-UCOL proposal on this issue, she cautioned that there would be strong push-back from faculty.  She noted that the few attempts on some campuses to convert to

electronic academic processes have been unsuccessful. She can certainly bring it back to UCAP for discussion, but there are a number of competing priorities.

Aside from its possible use in the academic personnel processes, members discussed the possible benefits accruing to teaching and scholarship from this kind of tool. In regards to improving academic personnel processes, they noted that there could be some real cost savings from these tools. It was suggested that UCOL petition the Academic Council to conduct a study on its potential. Members also discussed how art faculty would use such a system. Some members argued that artists could be disadvantaged by this sort of system, noting that some art is not well represented by images on a computer. However, other members made the case that artists would be no better or worse served by this system than they would be via the traditional paper academic personnel process. They added that this tool is not intended to replace the raw materials of an artists work; rather, it would only represent the artist's work for tenure and promotional purposes. Along similar lines, Nick Jewell mentioned that in his field, statistics, software is often embedded in the 'article', which could be similar to some types of art that could be presented digitally. Catherine noted that there are a number of forms of scholarly output (not only text), and the Office of Scholarly Communications (OSC) is trying to draw boundaries between articles and the data behind or supporting the article. OSC is explicit that they are not responsible for the server where the data is hosted, but they do 'crawl' or point to the data. This is necessary because there are real limitations on what can be stored on any institutional system.

Members discussed if SLASIAC or another University committee should pursue this. Catherine Candee cautioned that the OSC is not at a point on deciding on any one particular software tool at this time. For one thing, UC cannot not afford it (BePress originally cost approximately $100 per faculty member, or $1.6 million systemwide; currently it is somewhere between $40 and $60 per faculty member; and it would need to be about $10 per faculty member to make it viable). Members noted that departmental funding these kinds of projects (i.e. faculty web pages) are generally ad-hoc and consist mostly of one-time funding; therefore, OSC funding would presumably be required to institute this kind of project. Some members also felt that it may not be received well if, for example, such a system was instituted at this time without the proper introduction and training. They also agreed that UCAP is also not ready to adopt such a system for promotion and tenure purposes. That said, members felt that SLASIAC should investigate which mechanisms are needed in such a software platform in terms of its utility for scholarly scholarly information. They should also determine the degree of faculty interest and support for this type of tool. A cost/benefit analysis should also be performed. Catherine summarized the two tools emerging from this project as: (1) one that allows faculty members to set-up, easily update, and archive their bio-bibliographies so that they can also be used to satisfy grant application requirements; and (2) to automatically deposit their bio-bibliographical details/articles into the e-scholarship repository, which would create a seamless technological institutional architecture (especially important if the proposed copyright policy becomes UC policy).

**ACTION: Members proposed the drafting of a letter to SLASIAC indicating its support of this project and its interest in developing it further.**

## IX.     Executive Session
[Note: Minutes, aside from action items, are not prepared for this portion of the meeting.]
**ISSUE/REPORT:** Members did not hold an executive session.

The meeting was adjourned at 4:00 p.m

Attest: Ben Crow, UCOL Chair
Prepared by: Todd Giedt, Committee Analyst