And They Were There-Reports of Meetings-LOEX and Winthrop's Libraries in Cyber Age Conferences

Sever Bordeianu
University of New Mexico, sbordeia@unm.edu

Julia Gelfand
UC, Irvine, jgelfand@orion.oac.uci.edu

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Statutory damages, on the other hand, are available without having to prove how much harm the plaintiff suffered. Over the years, the statute has been amended to increase the limits on statutory damages; currently they range from $750 to $30,000 per act of infringement. The range is very broad to permit the judge or jury to determine what is needed to make the plaintiff whole again. They can take into account the potential for future harm should the practice become widespread. If the infringement is innocent, the damages may be lowered to $200 or raised to $150,000 if the infringement is determined by the court to be willful. On the other hand, if the infringer had reasonable grounds to believe that the use made of the copyrighted work was fair use, and if the infringer is an employee of a nonprofit educational institution, library or archives and is acting within the scope of his employment, damages may be remitted entirely.

QUESTION: If someone completely reformat r (retypes a piece, either a portion of the work or all of a work, but does not actually photocopy anything, is there a percentage of the original material that must be changed before this could be called new material (a translation, or interpretation)?

ANSWER: Unfortunately, there is no magic percentage at all. In fact, just reformatting, such as by changing the font, margins, etc., clearly is not enough to make it qualify as new material. Also, most experts agree that simply digitizing a work or putting it into HTML format is not enough to create a new work. Section 102 details the types of works that may be protected by copyright, and format is not one of them.

QUESTION: What is the law regarding movie clip capturing? If someone wanted to use a 10 second segment of the movie 'Twister' during a presentation on tornadoes, is that infringement of the copyright? Does it make a difference that he owns a legitimate copy of the movie and is not charging admission to see the clip?

ANSWER: Movie studios have been very aggressive about pursuing their rights concerning movies. Most likely, if they found out about the practice of using movie clips to highlight presentations, they would want to require a license to do so. This is not necessarily the correct answer, however, and it depends on what kind of presentation and to whom. Is it part of a class in a nonprofit educational institution or a presentation to a professional group? Or is it just presented to the public for general information?

If the presentation is made as a part of instruction in a nonprofit educational institution, continued on page 76

And They Were There — Reports of Meetings

28th National LOEX Conference and Winthrop's Libraries in Cyber Age Conference

Column Editors: Sever Bordelianu (Head, Serials Cataloging Section) <sbordelia@umn.edu> and Julia Gelfand (UC, Irvine) <jgelfand@orion.oac.ucr.edu>

28th National LOEX Conference
First Impressions, Lasting Impact: Introducing the First-Year Student to the Academic Library
Ypsilanti, Michigan (May 19-20, 2000)

Report by Mark Emmons (University of New Mexico) <emmons@umn.edu>

Over 200 participants braved thunderstorms and flight delays to attend the 28th National LOEX Conference in Ypsilanti, Michigan. The theme of this year's annual library instruction conference focused on the first-year student. The speakers and presenters shared their successes and presented research on the best ways to reach and teach the college freshman.

Elizabeth Dupuis, Head of the Digital Information Literacy Office at the University of Texas at Austin Undergraduate Library, set the tone for the conference with her keynote address. Titled "In Loco Amicus," her talk centered around three questions: What are freshmen like? What is the purpose of education? How can the library be a wise friend? Dupuis cited the works of Jean Piaget and Jerald G. Bachman to paint a picture of the typical 18-year-old as a person in transition. According to Piaget, 18-year-olds are moving away from an egocentric view of the world. They are seeking emotional independence, making decisions about family and career, and developing their own set of ethics. Teenagers in Bachman's model are moving away from focusing on contradictions and beginning to use formal reasoning. In answering her first question, Dupuis noted that "teenagers are novice adults." For her second question, Dupuis believes that the purpose of education is to develop critical thinkers. As it is no longer the role of higher education to act "in loco parentis," Dupuis stressed the need for the institution and the library to act "in loco amicus" instead — as a wise friend who will help students make wise choices for themselves and society. The library can fill the role of the wise friend by creating challenging learning environments, incorporating the discussion of larger issues into library instruction, forming closer relationships with high schools, rewarding learning over performance, and creating a welcoming environment.

Featured speaker Carla Stoffle, Dean of Libraries at the University of Arizona, opened the second day of the conference with a presentation entitled "Assessing Learning Outcomes: What this Means for the Instructional Librarian; the Instructional Role of the Library; and the Library's Instructional Spaces." Stoffle began by highlighting the trend in higher education toward accountability and learning outcomes. She shared the North Central Association of Colleges and Schools new standards for accreditation, which focus on outcomes assessment and require clearly stated goals for all academic programs and explicit objectives for student learning. Stoffle mentioned several guides to outcome assessment, including the American Association of Higher Education's (AAHE) 9 Principles of Good Practice for Assessing Student Learning (http://www.aahe.org/assessment/princip.htm) and the University of Wisconsin Assessment Manual (http://www.wisc.edu/provost/assess/manual.html). Stoffle shared four initiatives recently underway at the University of Arizona: 1) the redesign of the freshman general education program, 2) integrating learning technology into all classes, 3) building a new library that will integrate the learning center with an information commons, and 4) requiring learning outcomes of every department. The library has also developed RIO (Research Instruction Online), a tutorial designed to introduce students to the library (http://www.library.arizona.edu/rio). For a library to be accountable, Stoffle recommends seeking partnerships, redirecting library re-

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bout section 110(1) the teacher cer-
tainly may show the film in its entirety or
just a short portion as long as the copy of
the videotape used is a legitimate copy. Clip
capturing, however, makes a copy of the
work, and that may be problematic even in
the educational instruction setting. On
the other hand, outside of education, showing
the short film clip (not capturing it, i.e.,
copying it) still might be fair use. A court
would look at the four fair use factors to make
a determination and these include how much
is used (a very short portion), to whom is
the clip shown and whether a copy made.

QUESTION: Is it necessary for schol-
sars who are writing historical works about
a region of the country to obtain permis-
sion to quote three stanzas from relevant
old songs?

ANSWER: This question is somewhat
complicated based on how old the song is.
First consult the chart I created concerning
when works pass into the public domain.
Assuming that the work is still protected
by copyright, then one would do a fair use
analysis. Three stanzas sounds like a fairly
significant portion of the work, and seek-
ing permission likely is required. Contact
the music publisher and not the recording
company. However, sometimes record
companies will direct users to the proper
publisher or other owner of the copyright
in the musical composition which most of-
ten includes the words.

Legally Speaking
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Our look at legal publishing will con-
tinue up to the present in the next column
of “Legally Speaking” I will discuss such
milestones as the National Reporter Sys-
tem and the coming of the Internet. We
have seen so many changes just in the last
few years in legal publishing that it makes
sense to look back to where it all began.

Regardless of the format, it is impera-
tive that law be published. Without legal
publishers, many of our freedoms would
disappear. As Sir William Blackstone wrote
over two centuries ago, the law “may lastly
be notified by writing, printing, or the like;
which is the general course taken with all
our acts of Parliament. Yet, whatever way is
made use of, it is incumbent on the pro-
mulgators to do it in the most public and
perspicuous manner; not like Caligula, who
(according to Dio Cassius) wrote his laws
in a very small character, and hung them
up upon high pillars, the more effectually
to ensnare the people.”

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sorces toward the educational role,
partnering with colleagues in other librar-
ies, promulgating key principles on cam-
pus, thinking of ourselves as educators
who are faculty partners, creating an as-
essment mentality, and treating the cur-
rent environment as an opportunity.

With twenty presentations, five dis-
cussion forums, and thirteen poster ses-
sions, it was impossible to attend every
event. It was, however, possible to see
three themes emerge from a closed read-
ing of the program, conversations with
fellow attendees, and a presence at vari-
sous sessions: forming partnerships, reach-
ing specific learners, and effective in-
struction.

A key element in successful library in-
struction programs is forging partnerships
with the campus community. Some of the
more fruitful collaborations described by
presenters involve teaming up with
faculty and academic programs, becom-
ing part of campus learning communities,
and working with high schools. At
Millersville University, librarians serve
as academic advisors. Information liter-
cy initiatives require that librarians
work in partnership with everyone on
campus who is involved in the design of
the curriculum.

A related theme was the effort to reach
specific learners. Various presenters
spoke of their experiences of working
with diverse students, including the
at-risk and transitional students, the high
achieving and honors students, and spe-
cific populations such as athletes, stu-
dents in biology or the health professions,
and distance learners. Reaching these
students often required forging partnership-
ships. Presenters also described marketing
programs that were designed to reach
students in general.

Librarians shared effective strategies
for library instruction. Some of the high
impact strategies included critical think-
ing and problem-based learning, use of
handouts, and assessment. Several pre-
senters focused entirely on technology,
especially the use of Web pages and tut-
oriais for orientation and first year in-
struction. One study found that tutorials
and face-to-face instruction were equally
effective. If there was an underlying mes-
sage, it was a plea to make library instruc-
tion interesting and fun.

For the complete program, see the 28th
National LOEX Conference Web page
at http://www.unc.edu/~public/
loex/CONFERENCE/index.htm. The Web
page includes a list of presenters with
abstracts of their presentations written
before the conference.

Themes from other presentations
and poster sessions

#1 — Information literacy, evaluation and
critical thinking; Student athletes; Outreach
(distance education at National University);
At-risk; Collaboration (with Honors).

Poster Sessions

Staff doing orientation; T.A.’s designing
and teaching library instruction; Urban
diverse community; Large scale in-
struction (25 lots of students); Librarian
as academic advisor; University studies
course; Using a syllabus to guide orienta-
tion; Library modules; Face-to-face
interaction to reduce library anxiety;
Transfer students; Tailored Web
pages (for individual classes); Handouts
as a teaching tool.

#2 — Making BI interesting, dramatic,
and important; Cyber assignments (Web-
based to reach 10,000 freshmen); Infor-
mation seeking (for health profession stu-
dents); Elite students (Swarthmore,
Haverford, Bryn Mawr).

#3 — Training faculty; Problem-based
learning; Talking story (story telling, Gen
X and Gen Y, technology); Infatation;
Required course.

Discussion

Library instruction role in information
literacy; Marketing to 1st year (who are
they, how do you reach them); Collabora-
tion/strategies for orientation; Assess-
ing library’s role in student learning;
Keeping BI stress free and stimulating.

#4 — History of a BI program (to
share experience); Efficacy of tutorials
vs. face-to-face instruction; First Year
Experience librarian!: Marketing;
Learning communities.

Winthrop’s Libraries in Cyber Age Conference
Winthrop University Library, Rock Hill, South Carolina

Report by Mark Herring <herringm@winthrop.edu> and Ron Chepesuk
<110423.2656@compuserve.com>, milti1n <milti1n@winthrop.edu>

The Winthrop University Library in
Rock Hill, South Carolina, and the South
Carolina Council for the Humanities are
sponsoring a conference this fall that ex-
namines the momentous impact cyberspace
is having on libraries and the humanities.
Titled "Libraries in the Cyber Age: The
Future of the Humanities and the Impact
on Society," the event recognizes that librarians,

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ies are still about books, but they are also about computers, the Internet and web pages as well. Because libraries are about all these things, they have, in large part, become the center of a heated debate about their role and that of the humanities in cyberspace.

The conference will highlight four timely cyberage topics that are having a major—if not revolutionary—impact on libraries and the humanities: Internet filtering, electronic publishing, copyright and digital materials, and electronic access and archiving. The conference’s objective—to inform and educate individuals working in libraries and the humanities, as well as others concerned about education and access to materials, about these important topics.

The first seminar, “Filtering, Censorship and the First Amendment: Libraries at the Crossroads,” will be held at Winthrop University on September 14 at 7 p.m. The Internet filtering issue hits the humanities the hardest, not only because of the subject matter, but because of the richness and variety of thought and material the humanities have to offer. But what constitutes filtering? Are filters reliable? Do parents have the right to expect libraries to restrict the use of the Internet? What role should parents play in restricting their children’s reading materials? What impact does filtering have on the library’s ability to serve the public?

Two nationally known speakers will debate the issues: Judith Krug, Director of the Office of Intellectual Freedom at the American Library Association since 1987 and Executive Director of the Association’s Freedom to Read Foundation, and Carol A. Clancy, Senior Counsel with the National Law Center. Mrs. Krug is a noted speaker in the area of intellectual freedom and her articles on the subject have appeared in national library and educational journals. Ms. Clancy, a practicing attorney, has served as Legal Counsel to Citizens for Decency Through Law in Phoenix, Arizona, and appeared in senate hearings involving “The Effect of Pornography on Women and Children.”

The second seminar, to be held at the Greenville Public Library in Greenville on October 3 at 7 p.m., addresses the issue of “Electronic Publishing and the Future of Libraries and the Humanities.” With the advent of the so-called ‘e-book,’ libraries have had to deal with a new type of media, and much speculation has focused on its impact on the humanities. This seminar includes three speakers at the cutting edge of Internet publishing: Adele Adair-Hoy, a pioneer in e-publishing and the co-author of the best-selling e-book, “The Secret of Our Success”; Ron Chepesiuk, a professor and librarian at Winthrop University, and a prolific freelance writer and content provider to numerous Websites; and Marian Gilbert, Director of Library Relations at NetLibrary.

The third seminar, “Copyright: Who Owns What in Cyberspace,” is a pre-conference workshop at the annual “Charleston Conference: Issues in Book and Serial Acquisition,” which will be held at the College of Charleston in Charleston on November 1. In the age of digitization, the question of what constitutes copyright has become increasingly important. Do authors with materials on the Internet have a right to expect that their works be protected by copyright law? How can libraries guarantee materials on their Websites will not be used without prior consent and in compliance with copyright law? How can libraries fill their mission when so much is available on the Internet?

Three nationally known speakers will address these and other copyright issues: Marybeth Peters, Register of Copyright at the Library of Congress; Jonathan Tasini, President of the National Writer’s Union and principal in the landmark law suit, Tasini versus The New York Times; and Ed Cullinan, an expert with the Copyright Clearance Center.

The final seminar, to be held at Winthrop University on December 6, focuses on “Electronic Publishing and the Future of Scholarship.” Eager to make materials available quickly to users, libraries have made electronic access a primary part of their document delivery. Such access, however, is costly and no vendor other than J-Stor is currently offering a retrospective back file online to extant journal publications.

Three speakers will address the issues raised by electronic access and archiving: Bruce Heterick, Director of Library Relations at J-Stor; Dr. Ravi Sharm, Librarian at West Virginia College in Institute, West Virginia, and editor of Library Times International; and Dr. J. Edward Lee, scholar and Associate Professor at Winthrop University.

For further information, visit the conference Website at www.winthrop.edu/dacus/schumcyber/ or contact Mark Herring at <herrimgn@winthrop.edu> or Ron Chepesiuk at <chepesiukr@winthrop.edu>.

Dr. Mark Herring is Professor and Dean of the Dacus Library, Winthrop University, in Rock Hill SC, and Ron Chepesiuk is Professor and Head of Special Collections at the Dacus Library. The two are the conference’s co-directors.

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