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# Biz of Acq -- Ten Years After: How Positions with a Serials Emphasis have Changed a Decade after the World Wide Web

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**Napster** provided the site for big-time infringement; **Grokster** *et al* don't do this. It's the users who provide file storage and index maintenance. With both the **Gnutella** and **KaZaa** networks, the software owners could keep exchanging files even with **Grokster** and **StreamCast** shut up shop entirely.

### Okay, Then How About <u>Vicarious Copyright Infringement?</u>

And once again there are three elements: (1) direct infringement by a primary party; (2) direct financial benefit to **Grokster**; (3) right and ability to supervise the infringers. *Napster I*, 239 F.3d at 1022.

This theory grew out of agency law's *respondeat superior*. The idea is if you have the right to control someone's bad behavior, you should be liable if you don't.

### Right and Ability to Supervise

There is a historic split here between the "dance hall operator" who can control what music is played and the "landlord" who has no control over what his tenants are doing behind closed doors. *Fonovisa, Inc. v. Cherry Auction, Inc.*, 76 F.3d 261, 262-63 (9th Cir. 1996).

With **Grokster** and **StreamCast**, there is no registration or log-in procedure. There is no ability to block what the users are doing. They are landlords and not dance hall operators.

### Turning a "Blind Eye" to Infringement

As a last gasp, the music companies argue that **Grokster** should not be permitted to turn a blind eye to all that theft going on out there. The Ninth Circuit said there was no separate "blind eye" theory of vicarious liability. And anyhow, what is **Grokster** supposed to do if it has no ability to supervise?

### But Public Policy Oughta Do Something About This

The Ninth Circuit said we live in a "quicksilver technological environment" and courts are not capable of fixing the direction of innovation. *AT&T v. City of Portland*, 216 F.3d 871, 876 (9th Cir. 1999). Old markets will always be roiled by new technology — tape recorders, copiers, video recorders, PCs, karaoke machines and MP3 players.

The Supreme Court spoke clearly in *Sony-Betamax* that Congress was the body to adjust copyright law in response to changing technology. Indeed it says it right there in Art. I of the Constitution that Congress has the power to promote arts and science. "When, as here, the Constitution is permissive, the sign of how far Congress has chosen to go can come only from Congress. 464 U.S. at 456 (quoting *Deepsouth Packing Co. v. Laitram Corp.*, 406 U.S. 518, 530 (1972)).

*And speaking of quicksilver, as we go to press,* **BitTorrent** *is in the news as the latest nightmare for Hollywood. With this jim-dandy bit of software, you can now copy a full length movie in two hours rather than the twelve required by* **KaZaa.**

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***Column Editor's Note:*** *The author describes and compares advertisements of professional library positions with serials responsibilities, posted ten years apart. He notes many changes in titles, duties and general emphasis, and relates these differences to trends in serials librarianship over the past decade. — AF*

### Introduction

External factors have changed and challenged the ways in which libraries process serials. In her 1997 article, **Ann W. Copeland** notes a number of factors that confronted serials librarianship from 1980 to 1995, including the implementation of **AACR2** in 1981, proliferation of bibliographic utilities that provided MARC format data such as **OCLC** and **RLIN**, and retrospective conversions undertaken as a part of the transition from print to online catalogs.[1]

Still more changes have had an impact on the ways in which libraries process serials since the mid-1990s. Most notable is the proliferation of e-journals in the wake of the development of the World Wide Web in 1994. E-journals and databases that provide access to electronic versions of journal articles now account for a considerable and growing portion of library expenditures and subscriptions. At the author's institution, over three quarters of the journal titles to which the **Miami University Libraries** provide access have at least some issues available electronically. A cursory review of journal literature or **SERIALST** postings reveals challenges associated with these resources that include:

- **Check-in and claiming** — libraries must decide if and how they will check in e-journals and deal with failure to provide timely access. Availability of products with embargos that may last from a few months to several years complicates this process.

- **Determining holdings** — libraries are no longer in the driver's seat for initiating and terminating subscriptions; aggregators may add or remove access

to individual titles or entire collections of titles.

- **Centralized access points** — faculty and students used to be able to walk into libraries and see what titles were available, and in many cases browse through areas devoted to current issues. As the number of titles available electronically overtakes the number of print titles, libraries are struggling with ways to present a similar sense of available titles, and current issues in particular. The use of markup languages and metadata offers one method of meeting this need.
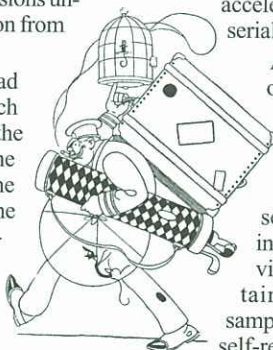
### Possible Approaches

In the past decade, as many of the changes noted in **Copeland's** article have now become old hat and the proliferation of e-journals has accelerated, how have positions with a serials emphasis changed?

Any attempt to provide a snapshot of position responsibilities entails certain risks and benefits. Relying on self-reported surveys about duties and the amount of time devoted to them presents several difficulties. The age of info-glut, particularly in email, provides formidable obstacles to obtaining a reliable and balanced sample. In addition, while obtaining self-reported results may provide enlightening or provocative comments, self-reported information is by nature subjective and unreliable, since it is inherently difficult to specify what tasks we do and to quantify the time devoted to them—particularly if trying to make a comparison over an extended period of time.

Relying on a sample of position descriptions can be tricky as well. In addition to the challenge of gathering a representative sample, the accuracy of position descriptions is variable in quality. Position descriptions may not be updated frequently while the position is occupied.[2] Moreover, significant re-writes are more likely to occur when the position is vacant, because vacant positions provide the opportunity to re-envision what the position does and what qualifications are needed for that position independent of the interests, strengths,

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or qualifications of an incumbent candidate.

Relying on advertisements may surmount some of the difficulties associated with analyzing position descriptions. To be fair, this approach also presents challenges. The sample is necessarily small, and reflects whatever positions happen to be open at any one time. The major responsibilities and qualifications listed may or may not reflect accurately the day-to-day realities of the position. However, this approach does provide a limited pool from varied institutions, quantifiable criteria about duties and pre-requisites, and most importantly, an idea of how librarians envision and re-envision the role of serials specialists.

### About This Study

This study will compare two sets of advertisements for serials positions that appeared in *College & Research Libraries News*, one from July 1993-June 1994, the period in which the World Wide Web first emerged, and one from a decade later, July 2003-June 2004. This study will include comparisons of the position duties, required qualifications, and desired qualifications listed in these advertisements.

As **Copeland** noted, numerous position titles with serials emphasis exist, such as serials cataloger, serials librarian, or administrator of a serials division within an acquisitions or cataloging department. The duties associated with these position titles are inconsistent. Position titles alone do not indicate if the position does or does not include duties such as cataloging, preservation/binding, or public services responsibilities.[3] For purposes of this study, all position descriptions that include some combination of serials cataloging and processing responsibilities are included. With one exception, these positions include "Periodicals" or "Serials" in the position title.

Some positions with a serials emphasis include duties in other areas such as documents, collection development, reference, and instruction. Although those positions were included, this study examined only those duties related to processing and providing access to serials.[4] The sample of advertisements was roughly equal, with 15 from 1993-94 and 13 from 2003-04. These quantities are only slightly higher than the yearly average for that period. From 1993-94 to 2002-03, the number of positions with serials emphasis advertised ranged from 5 per year to 19 per year, with an average of 10.44 per year. Re-advertised positions or extended deadlines for applications were excluded, with only the original posting being analyzed.

The enrollment of the institutions at which these positions were offered was likely to be larger in 2003-04 than in the preceding decade. In 1993-94, the average size of institutions advertising positions with a serials focus was 11,844, with more than 40% of those institutions having between 10,000 and 20,000 students and 25% having more than 20,000. In 2003-04, the average size of institutions was 8,744, with only16.6% of positions advertised at institutions with between 10,000 and 20,000

students. In both periods, institutions with fewer than 5,000 students were represented, although the number declined from 25% in 1993-94 to 17% in 2003-04. Thus, the possibility exists that the sample may be skewed slightly based on the size of institutions.

### Position Duties

Several duties that appeared in advertisements from 1993-94 fail to appear at all in the 2003-04 sample. In some cases, this appears to reflect the decreased emphasis on print subscriptions, with neither binding duties (mentioned in 40% of 1993-94 advertisements) nor work with microforms (mentioned in 9.1% of 1993-94 advertisements) being included in positions advertised in 2003-04. Predictably, serials conversion (27% of 1993-94 advertisements) does not show up in 2003-04 advertisements as conversion projects have been completed in many or most libraries. Systems responsibilities (13.3% of 1993-94 advertisements) likewise disappear, presumably because specialized positions have emerged to deal with such responsibilities.

Slight declines appear for fiscal control/invoicing (from 47% in 1993-94 to 39% in 2003-04), and liaison with collection development (from 27% in 1993-94 to 18% in 2003-04). Check-in duties continue to be present (26.7% in 1993-94 and 27.3% in 2003-04).

Processing (from 6% in 1993-94 to 27% in 2003-04) appears much more frequently. The use of more general and overarching terms such as "oversees processing of periodicals" may explain the decline of some sub-sets of this process, such as invoicing/billing. With the transition to integrated library systems now largely complete, phrases such as "quality control of database" appear more frequently, up from 6% in 1993-94 to 27% in 2003-04.

Many position duties appearing for the first time in advertisements from the 2003-04 sample indicate the impact that the emergence of e-journals has had on these positions. These include:

- promoting the use of e-journals or e-resources (9%)
- selection of public domain Web resources (9%)
- working with other departments to evaluate electronic products (9%)
- managing e-journals (18%)
- improving/facilitating access to e-journals (27%)
- determining the future of the print and online balance of the collections in consultation with the faculty (18%)
- licensing access to e-journals (27.3%).

Other duties which appear only in the 2003-04 sample include strengthening relations with vendors (9.1%), budget management (27%) and statistical/management reports (36%).

### Desired/Required Qualifications

Qualifications listed in advertisements follow many of the trends noted above with position duties. Those qualifications related to physical processing in 1993-94 advertisements fail to appear a decade later, including experience with microform and bindery systems (7.1%

each). In addition, some skills appear less frequently, including familiarity with MARC (required or desired in 64% of 1993-94 positions, but only 15% of 2003-04 openings), familiarity with LCSH (dropping from 29% to 8%), and experience with cataloging standards (required or desired in 64% of 1993-94 positions, but only 15% of 2003-04 positions). These decreases do not necessarily indicate that these skills are not needed; merely that they are assumed in applicants, or are more likely to be present than some newer technical skills that are specified.

The completion of conversion projects likely accounts for the disappearance of automation experience (required for 21% and desired for 22% of positions in 1993-94), knowledge of ANSI (required for 7% and desired for 21% in 1993-94), and experience with serials bibliographic control (desired for 14% in 1993-94).

The decline in the number of positions asking for experience with change management, providing leadership in times of change and related skills (from 50% in 1993-94 to 35% in 2003-04) may indicate that the aftershock of automation has diminished, even as other changes continue to impact serials operations.

Other qualifications continue to be present in advertisements from both periods. Among these are some that relate to library automated systems: experience with bibliographic utilities (required or desired in 42% of 1993-94 positions, and 54% of 2003-04 positions), and experience with serials automated systems (required or desired in 14% of 1993-94 positions, and 23% of 2003-04 positions). Although

positions in the 2003-04 sample tend not to mention phrases such as "contract negotiation", they do often request some form of licensing experience (see below). "Licensing" may simply be the twenty-first century equivalent of "contract negotiation."

In addition, need for good interpersonal skills is a constant. Oral/written communication skills are desired or required for 57% of 1993-94 positions and 46% of 2003-04 positions, and public service experience is desired or required for 21% of 1993-94 positions and 23% of 2003-04 positions. Supervisory experience increases (desired or required for 14% of 1993-94 positions and 31% of 2003-04 positions). This increase may reflect a trend toward assigning tasks to paraprofessionals that were once restricted to librarians, and relying on librarians to oversee some aspects of processing rather than performing all aspects of it.[5] "Collegiality" is specifically mentioned in 16% of 2003-04 advertisements and "analytical skills" appears in 8%. Foreign language experience, mentioned in 9% of the 1993-94 sample, holds steady at 8% in 2003-04.

Other constants are the **ALA-accredited MLS**, required for all positions, and cataloging experience (7% in 1993-94, 8% in 2003-04). Advertisements for some professional positions with a technical emphasis have ceased to require an **ALA-MLS**; however, despite the increasing frequency with which some technical skills are required or desired (see below), this trend appears not to have affected serials positions.

Several new items appear as desired/required qualifications in the 2003-04 sample. The ubiquity of e-journals is responsible for the appearance of many of these, including knowledge/familiarity with managing e-resources (23%), managing e-journal holdings (8%), e-journal licensing (16%) and emerging technologies/standards (16%). In addition, experience with Web development, EDI and electronic ordering, SFX and Open URL each appear in 8% of positions. These findings mirror those of a recent study of cataloging positions, which noted that experience with emerging metadata and tools (38%) and Website development (4%) were required.[6]

Experience with a specific integrated library system appears in 30% of 2003-04 advertisements. The emergence of this qualification likely explains the slight decline in experience with *any* ILS (down from 21% in 1993-94 to 13% in 2003-04). As increasing numbers of people have had the opportunity to gain experience with individual systems, it is now possible to screen successfully based on experience with the ILS currently in use. Experience with productivity software and/or spreadsheets appears in 23% of advertisements. This rate is consistent with **Khurshid's** 2003 study, which noted that 29.13% of cataloging skills have this requirement.[7] Other items present in the 2003-04 advertisements include experience with scholarly communication trends (8%), budget experience (8%), and experience with consortia (8%).

## against the grain people profile

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**BORN & LIVED:** Columbus, OH; Cincinnati, OH; Chapel Hill, NC; Baltimore, MD.

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**EDUCATION:** B.A. **College of Wooster** (1989); M.A. **University of North Carolina** (1995); M.L.S. **North Carolina Central University** (1995).

**FIRST JOB:** Circulation Desk Supervisor, **UNC-Chapel Hill**.

**PROFESSIONAL CAREER AND ACTIVITIES:** Assistant to the Dean & University Librarian, **Miami University** (2001 -  ); Electronic Information Services Librarian, **Miami University** (1998-2001); Systems/Technical Services Librarian, **McDaniel College** (1996-98); Technical Support Manager, **University of North Carolina** (1995-96); Order Receipt Expediter, **University of North Carolina** (1994-95); Desk Supervisor/Searcher, **University of North Carolina** (1991-1994)

**IN MY SPARE TIME I LIKE TO:** Read, listen to music, buy books and music.

**FAVORITE BOOKS:** Never met a book I didn't like. My favorites would probably be **Andrei Bely's** *Petersburg* and **Mikhail Bulgakov's** *Master and Margarita*. They can both be read on many levels and have stood up to repeated readings since my college days. Current reading includes *The Stars in Their Courses*, a history of the Gettysburg campaign; *Dream Palace of the Arabs*, about Arab literature and society; and **Jack London's** *The Sea Wolf*.

**MOST MEANINGFUL CAREER ACHIEVEMENT:** Distinguished Service Award from State Library Association (2004).

**GOAL I HOPE TO ACHIEVE FIVE YEARS FROM NOW:** Continue to evolve my interests and skills to match the ways in which librarianship is evolving.

**HOW/WHERE DO I SEE THE INDUSTRY IN FIVE YEARS:** Different. Possibly in ways that I don't anticipate, but different.

### Position Titles

Changes in duties are reflected in position titles. The most frequently occurring type of title in 1993-94, "Serials Librarian or "Periodicals Librarian," occurred in 38% of advertisements. By 2003-04, the most frequently used title, occurring in 46% of advertisements, was some permutation of "Serials/Electronic Resources Librarian." Variants include "Serials/E-Resources Librarian," "Serials/Electronic Resources Librarian," "Serials/Web Resources Librarian," "Serials/Electronic Resources Cataloger," and "Electronic Resources/Serials Librarian." One position, Business/Electronic Access Librarian," entailed experience with supervising staff, working with an integrated library system, and providing access to electronic resources. Use of other titles declined slightly, including Serials Catalog Librarian (13% in 1993-94, 8% in 2003-04), and Serials Department Head (19% in 1993-94, 8% in 2003-04). Combinations of serials with other functions (Access Services, Documents), present in 13% of 1993-94 ads, disappear completely in 2003-04. The decline in Department Head positions may be explained by consolidation of technical services departments. Positions described as "Unit Head" increase from 13% in 1993-94 to 18% in 2003-04.

### Conclusion

Position descriptions for librarian positions with a serials emphasis reflect changes created by the proliferation of electronic journals over the past decade. While some duties and desired qualifications have remained roughly constant, many others reflect the transition from providing access to serials in a physical environment to providing access in an electronic one. Although not all position titles have changed, a significant number of titles have.

The most interesting changes are not necessarily the most wide-ranging ones. Although many new desired or required qualifications have emerged, there is not yet a clear consensus among advertisements on necessary technical skills. The current variety of skills listed in advertisements reflects attempts by libraries to figure out how serials work is changing and will change in the near future. It will be interesting to see over the coming years which of these desired/required qualifications become dominant. Likewise, a series of position titles has emerged, analogous to what **Khurshid** describes as "emerging position titles" in his review of cataloger positions. Most are related, but the specific wording varies. It will be interesting to see if these titles become standardized in coming years, or if working with electronic resources becomes so ingrained in serials processing that use of words like "electronic resources"