

Librarians in the Postdigital Information Era: Reclaiming Our Rights and Responsibilities

Jenica P. Rogers
SUNY Potsdam, jenicaprogers@gmail.com

Follow this and additional works at: <https://docs.lib.purdue.edu/charleston>



Part of the [Library and Information Science Commons](#)

An indexed, print copy of the Proceedings is also available for purchase at:

<http://www.thepress.purdue.edu/series/charleston>.

You may also be interested in the new series, Charleston Insights in Library, Archival, and Information Sciences. Find out more at: <http://www.thepress.purdue.edu/series/charleston-insights-library-archival-and-information-sciences>.

Jenica P. Rogers, "Librarians in the Postdigital Information Era: Reclaiming Our Rights and Responsibilities" (2013). *Proceedings of the Charleston Library Conference*.
<http://dx.doi.org/10.5703/1288284315330>

Librarians in the Postdigital Information Era: Reclaiming Our Rights and Responsibilities

Jenica Rogers, Director of Libraries, SUNY Potsdam

The following is a transcription of a live presentation at the 2013 Charleston Conference. Slides and video are available online at <http://sched.co/1dRwtzp>.

Good morning, everyone, and good morning to those of you that I cannot see but who have the voice of God representing you. It is absolutely my honor and pleasure to be here. I am currently the director of libraries at a small four-year college in upstate New York. But, before that was my role, I was a collection development librarian for 8 years, and I always wanted to be here but it never worked out as library travel often does not for people, particularly younger professionals, and so I never got here, and now I am here. This is a lovely opportunity, and I am honored to be standing here this morning to kick off this day for you.

I am also going to give you a little bit more context than that because for anyone who does not know anything about me, you probably wonder why I am standing here. I am the Director of Libraries and Archives at SUNY Potsdam, which is one of our four-year colleges in the SUNY system. SUNY has 64 institutions. I am at one of the 12 four-year primarily undergraduate ones. We serve 4,000 students and 200 faculty, and so I hope that gives you a little bit of context about what kinds of observations I will be making. I have 23 staff. I have two facilities: a main library and a music library, and we are staffed more than 100 hours each week. Additional context for you: my entire nonpersonnel expenditures budget for any given recent year is about \$450,000. So as I talk about the details of some of the things that we have encountered, that is the context in which I am operating.

For today's talk, I provided the following blurb because you have got to do this in advance, so I have to make stuff up, even before I have decided what it is that I want to say. So, what I made up at the time was that the best libraries were never simply buyers and warehouses for information but

something more than that. Something centered around synthesis, access, and creativity, and as our information ecosystems has shifted, it has forced our attention to the operational side of how we manage information because it got so complicated. Some of us have lost sight of that creativity and access. We have handed over our shrinking resources to prominent publishers and vendors because that is how the system works, and I think that we may have lost sight of considering what our role in that system is, and I think that it is time to remind everyone that the power of libraries lies not in our passivity but in our action and that it is time to reclaim and redefine some of our roles in that system, and so I am also going to note that I know this is a mixed conference audience, that there are many, many of our partners in the publishing and vending industry here today. I am sorry that my job is not to speak for you. You have your own voices. My job is to speak for librarians, so this is going to be a very librarian-focused talk and that is intentional. I also put a subtitle on this speech about being "deer in Stockholm" and I will get to that part.

As I noted, this is just how our system works. We buy stuff—that is what we do. It is part of how we provide our services, our access, and fulfill our mission. But, as the information ecosystem has shifted, we have been compelled to spend a lot of time, energy, and attention on the operational side of how we manage information.

My job as a collection development coordinator from 10 years ago is similar but not the same as the job that my current collection development coordinator, Marianne Hebert, does on behalf of our institution because the "how" of the work keeps changing, and it is changing very rapidly. We have new models, we have new opportunities, new resources, new needs. Anymore, it is not just about whether the focus of our programs have shifted and we need to accommodate that. Now, we are looking at that, plus whole new kinds of

resources. Entirely new kinds of models for buying those resources, new ways to access them, new ways to choose them, new ways to share them, and in that kind of environment, where there is a whole side of what we do that is shifting very, very quickly and must be kept up with, it is very easy to just put a checkmark next to the box that represents the stuff we have always done that way. Regardless of how, perhaps, crazily unsustainable that checkbox actually is for us, because that checkbox has become crazily unsustainable for many of us very slowly but steadily. And we do it that way, because that is the easy part. We commit our resources to vendors for their products because that is how the system works. But the system is increasingly not working for many of us anymore.

In 2012, I kicked a serious hornets' nest when I publicly declared that negotiations with the American Chemical Society had failed and that SUNY Potsdam would cease to subscribe to their "big deal" for journal content, and I also proposed that other libraries should also consider whether or not that was a route they wanted to take, and I did it in public, and I did it in writing, and so a lot of conversation resulted from that. A lot. Library conversation, the part that I valued the most, frankly; media conversation, the *Chronicle of Higher Education* called me while I was on vacation; and a lot of vendor attention and a lot of negative attention because librarians do not say things like this. But what I took away from it most prominently was that not the amount of conversation it generated for its own merits, but the fact that, it was very clear from the feedback I got, I was not alone in saying this system is broken. But I sort of am alone. I feel very alone some days when I stand up here and look out at crowds like this. Why is it so groundbreaking? Why was it so brave, as I was told many times over and over again, for me to simply say that this package of titles sold to us at this kind of profit by an organization is a poor choice for my institution? Why is it brave to stand up and say, "This is not in the best interest of my users?" Why is it newsworthy to say something that is simply true? Why did that turn me into some kind of weird folk hero? It does not make sense to me, and so I have asked a lot of people. I have asked a

lot of librarians, "Why do you think we respond this way as a profession when something happens like this?" And some of them have posited that is something akin to Stockholm syndrome. That we have been in this untenable, unhappy position, not of our own making, for so long that we have just tried to find a way to make it okay for us; that we have said, "It is not so bad," and we have made peace. Others say that it is simply that librarians find themselves as the deer in the headlights of the digital age oncoming, rushing, fast; completely stunned by how fast things have changed and completely unable to connect our brains to our feet and get out of the road. I think that there is some truth to both of those assertions.

But, here is the thing: we are better than that. We are better than our current status quo. We are smart. We are agile. We are creative. We are dedicated and we are passionate and, above and beyond any of those qualities, we are professionals. We know what we do and we need to start acting like it, because whether you see librarians as kidnapping victims, deer in headlights, or something else entirely, whether your interpretation rests somewhere different than mine does, you have to acknowledge that the path that we are on in those scenarios does not have a terribly cheerful outcome for librarians and libraries. If we continue to allow our publishing and sales partners to set all of the terms, to control all of the market and to define how our economic capital is distributed, we continue to be the deer and continue to hang out in Stockholm, and it is not going to end well. And so here is my simple statement: "Yes, that is, in fact, how the system has always worked, but it needs to work better. And it is time for us to reclaim our rights and make that so."

So, what are our rights, you ask? Let me tell you. That is my job, right? I am supposed to stand here and tell you stuff. So, I think that the first right that we ought to be demanding is respect. As librarians with millions of dollars of purchasing power amongst us, we deserve a little damn respect. We are not supplicants. We are customers. We are, in fact, paying customers. It is appropriate that we demand to be treated with

some respect. And, by that, I mean things like responsive sales contacts who return phone calls and e-mails in a timely manner. I mean clear communications that answer the questions we have asked, not the questions that our partners think we want answers to. I mean being treated as though our concerns and interests are meaningful and have value as part of our customer sales relationship, and I mean policies that are not absolutely alien to the values of our profession. I suspect that many of you could write your own addendum to that list. I can see enough smiles and nodding heads to know you have all got a fav[orite], based on how you have been treated over the years, that is, your pet peeve about how your worst vendors treat you. But, I also suspect that we could all write a “how could this be done well” manifesto based on how we have been treated by the vendors who are good partners to us who treat us with the respect that we deserve. And so why should we not all expect that best instead of settling for the worst? And so I will repeat again, we are not supplicants. We are paying customers, and I do not mean to imply that we are always right. I really do not believe the customer is always right. I am a library director. I deal with 18-year-olds most of the time. I am clear on how unreasonable the customer can be, and I have met my fair share of unreasonable librarians, but we deserve to be treated with some respect.

I would also posit there is nothing in our industry that would not benefit from a little light shining into our darker corners. Library policies—make them available. The logic behind the decisions you make—share that. How you spend every penny you spend? Put that out there. Except, often we cannot. Why? Nondisclosure agreements. So, here is a thing that I think is our right as purchasers: the right to demand transparency in pricing negotiations. Just stop signing NDA's. In many cases, you really do not have to sign them. We just do it because it is how the system works. Strike those terms from your licenses. Inform your sales folks that you are not going to continue negotiations as long as those NDA terms are in place and just say “No.” As I noted, you are the customer. The vendor won't agree? That is the challenge you are facing? Fine, go get some administrative cover. Talk up your food chain.

Explain to your campus administration and legal why it is against the best interest of your institution to agree to these kinds of manipulations. See if they will give you some backup. Tell them the story I was recently told, with no vendor names given and no consortium names given, but it was at a meeting talking about infrastructure in New York, information infrastructure in New York, about the consortium negotiator who discovered that, not only did the vendor terms include nondisclosure language, there was also a requirement that the consortium actively attempt to thwart any freedom of information requests that would result in disclosure of terms. The contract literally said that we would be required to attempt to disobey the law. Tell your administration that this is the environment in which we are negotiating; that this is what we are fostering by agreeing to these kinds of terms. How could that possibly be in the best interest of our institutions?

So I implore you to try to avoid NDA's, not because I am on a crusade against all of our vendors—I am really, really not—but because of that question: what do libraries gain from allowing this kind of obfuscation? How is it in our best interest to allow this to happen? Some people are going to claim that, because they are willing to honor an NDA from a vendor, their library gets better terms, and that is probably true. Bet you are right. I believe you. But it is still manipulation. You know that. You are being pitted against the rest of your library community. As the tides and prices rise here, do you think that the high point of land on which your institution stands with its NDA-protected terms and deal is the point at which the tides stop rising? Do you think that high point of land is safe, or do you think that, perhaps, the flood is going to keep coming and that, maybe, by working together we can get some openness and transparency; we could do a better job as a community of resetting the terms, building some sort of seawall that actually works for us, and protecting the best interest of libraries? If we cannot work together, we cannot do that, and if we cannot share information, we cannot work together effectively. Vendors who insist on confidentiality in negotiations are stopping us from doing that, and they are not

doing it to protect us, so demand a little transparency.

I would also like to believe, in theory, as paying customers we could pick up our money and go somewhere else if we wanted to. But, in reality, the content we want to purchase is not fungible; we all know that. In academic libraries, researchers are not interested in a journal about their topic. They are interested in THE journal about their topic, and we know who sells THE journal, so we have to deal with them to buy it. In public libraries, it does not matter how big your e-book or print holdings are if they are not giving the community the best seller that they want and need right now. So we all know it is not really a matter of shopping for alternate content. Sometimes it is, not always. But what we often believe in libraries is that we have venues for buying things. We can choose which consortium we want to work with. We can choose which buying agent we want to work with. We can choose which package we want to buy. We can pick and choose our content, except when our vendors decide that those kinds of free market forces are just too much to bear and cannot be allowed. There is some dispute about this example right now. I am waiting for confirmation from one side or the other. But recently, at my library, we were trying to find a good solution to Sage pricing for a package for our institution, and we did not like the terms we were offered through Waldo, which is one of our buying agents, so we asked Lyasis, another consortial agent, if they had a deal that we thought had better terms. Lyasis told us that Sage does not allow customers to switch consortia to acquire better terms. So, sorry, they were not going to pursue pricing any further because it was a waste of everybody's time. Sage tells me that that is not accurate, that of course customers can switch if they want to. So someone is either lying or very confused somewhere in this food chain of the information economy. Either way, my market choices do not feel very free right now.

Or, with my apologies to those who rely on sponsorship for this conference, how about Elsevier? One would presume that we could buy any appropriate content offered in a package they

have assembled that we think suits our needs, right? I mean, they made packages, we want to buy one, that sounds about right, does it not? That sounds like the world that we think we operate in, except, hmm. So SUNY questioned Elsevier on our behalf regarding a package that my campus is interested in as a sidebar to the negotiations we are doing for a systemwide Elsevier contract, and I wanted more information. I wanted to know what the options would be if there was no systemwide contract. You know, what am I looking at here? The informational message we got back said that each sale offered to a campus will be reviewed by a term "to determine eligibility. This is done on a case-by-case basis, but institutions with annual subscription levels historically over \$25,000 are generally scrutinized more heavily. In the end, those who qualify for college edition will be offered the model as an add on to their current holdings." So, okay, they are saying, yes, we are the customer and we could buy that package if we wanted to, but they reserve the right to sell it to us, including what they think we should have, not just what we have asked for, and telling us what we must have in addition to what we are asking for and priced at the cost they think we should spend on it. Great! Thanks! Would it not be cool if we had the freedom to actually buy what we wanted to buy through whom we wanted to buy it as presented as options by the vendors themselves without their then interference in the choices that I am making on behalf of my users and my institution?

While I am at it, how about fair and appropriate pricing? I would just like to note that my husband's hair is longer than mine so, really, I am not sure how that makes sense. This should not be hard, right, like fair and appropriate pricing—it should not be hard one. When I was in the middle of discussions with the American Chemical Society about pricing, we had a really interesting conversation trying to find our middle ground, about seven hours of really interesting conversation, and I learned that they have a good and thoughtful formula for calculating price tiers. The problem we determined and discovered is that they have laid that formula on top of an untenable base price resulting in a system in

which a research one institution in SUNY with a doctoral-level chemical research program pays barely more than half what I pay with my 4,000 students, 60 chemistry majors, and seven faculty. I find that untenable, and that was where I ended. The leadership at the American Chemical Society disagrees with me. I also, as I mentioned, had a recent go around with Sage in which our attempts to get a clear answer about how they calculated our price and our holdings led to a 15 e-mail-long exchange with various parties involved and included language tossed around about “inflationary upticks” and “top up fees” with no definitions offered about what those were, despite repeated requests for clarification. In the end, the sales rep gave us an answer that quite simply, to us, felt as though we were being told that our spend is what our spend is. How would you like us to justify that today? Would you like fries with that? We could give you fries with that if you will feel better about it. We have all watched as we have been subjected to a near universal 5–10% price increase annually despite the fact that the federal government is willing to tell us regularly that the rate of inflation is about 2%. We have been told also to accept this is a good deal. We are negotiating great terms when we get a 5% annual bump over 5 years, but somebody explain to me exactly why the information in this era of plenty and increasing ease of access and distribution is more expensive at a rate that is outstripping the rest of our economy. Somebody explain that one to me, in something with some end point that does not include we are making more money off you. Really, is it so much to ask that our vendors price their products consistently with some acknowledgment of how those products are actually used in our modern information environment and with models that reflect actual economic forces in information society education and then apply those prices in appropriate ways across all libraries? Is that so radical? Is it really so outlandish to suggest that that might be a right that we have as customers?

This one matters to me a lot, as you might guess. Remember how I said I was lauded by, what felt to me, as way too many librarians as a hero after the ACS publicity? Why is it heroic to talk in public? Part of it is because the kinds of abuse that you

take when you do. I am paraphrasing here with some snark, but I, and others like me, have gotten a lot of communication that reads like the statements I am about to make:

“We would be happy to talk to you one on one to see if we could reach a resolution to this issue, but not if you continue blogging. It is disrespectful to talk about us in public.”

(If you do not like swearing, cover your ears for the next 10 seconds.) “You said ‘fuck’ online once, so we are not going to talk to you anymore, ever.”

“Our nondisclosure agreement has compelled you to dance around using real numbers while you try to talk about this issue, and we are going to use that void and that confusion to discredit you entirely.”

“We will not negotiate with anyone who has been that disrespectful. You disagreed with us, and you did it publicly.”

“We feel it is important to have these conversations one on one, so I would prefer to make a phone call to you if you would not mind because then we are not putting anything in writing.”

And this one was not me, those were all me, this one was not me, it was provided to me by a friend who was told that: “We will give you a great deal on our product. We will meet your terms. We will be happy to negotiate to where you want to be but would you please stop promoting open access?”

So, here is the alternate truth: we are allowed to have voices. We are allowed to have opinions. We are allowed to do those things in public, and so unless your job is on the line, unless you have got reasons why you should not do this, and you know what those reasons are, and I am not going to judge anybody for operating within the constraints of their own life and environment. I understand. You are allowed to talk. Do not let anyone silence you. But rights are not free. I think

we deserve those things but we also have some responsibilities. We have to reframe our assumptions. We cannot rail against the status quo if we keep ascribing to it. If we keep giving meaning to it, if we keep ascribing power to it, so you know why we have the “big deal” for journals? We have the “big deal” for journals because we keep buying them. We agree to this through word and deed. We have told all of our publishers and vendors that the big deals are awesome because we keep giving them money for them. You want that to go away? You want there to be a different model? Reconsider your assumptions about what is appropriate and what works.

Here are my two questions for you, think about these things: Is more actually better? And are our consortial deals negotiated without our involvement, permission, or context helping? Think about those things and know where your boundaries are. It is really easy to keep doing what we have been doing. It is really easy to agree to a slight shifting of terms from last year’s contract because last year’s contract was fine. Stockholm. But what that does not allow for when you say, “Yep, that is okay. That little shift is okay.” What that does not allow for is any kind of clearheaded, strategic, comprehensive review of what kinds of terms, costs, criteria are being offered and, most importantly, how we feel about that and why.

So what are the impacts of each kind of offer on our collections, on our users, on our institution, on the industry as a whole? Do you know what those impacts are? When you consider your terms and your negotiations, have you thought about what you think is appropriate or do you find yourself thinking that this deal in front of you is absolute crap but it is the best you are going to get, so despite the fact that you hate it, you are going to sign it? Why are you doing that? Why are you compromising your values? Ask yourself what are your most important goals? What is in the best interests of your institution? And then when you know those two answers, when you believe in yourself and you believe you know those truths, what will you accept? We all have compromises we have to make. We all say, “Yes, I can do this

because it is more important than that.” We all have to make those choices, but what will you accept and what will you not accept? Where is your line in the sand? How far are you willing to go? Do you know? You need to know.

It is one thing for me to stand here and say, “You know, this is all wrong,” and to say that we cannot agree to these terms, we cannot operate this way, etc. It is another to live it. It is another thing to actually change our behavior. I have stopped agreeing to what I see as abusive terms and behavior from our very worst offenders. This is what it is. It is abuse. I will provide you a scenario, a couple statements. NDAs limit our ability to communicate as a community of professionals. Vendors ask us to circumvent the law. Vendors use their nonfungibility of their information against us if we threaten to walk away, and then they offer us the equivalent of candy in order to attain our silence about our treatment. Let me reframe that for you in domestic terms. Your spouse will not let you talk to your friends. Your spouse asks you to break the law for them. Your spouse reminds you that you cannot support yourself without them and so if you walk away you will be homeless. Your spouse buys you presents in exchange for your silence about the state of your home life. That sounds awful, right? Yet we are accepting the same treatment professionally; a little less sensationally.

Again, apologies about the sponsors. The Copyright Clearance Center. They offer us paid services and professional development opportunities, and they market themselves in ways that frame them as being very useful to librarians who are floundering a bit as we look for answers to the complex questions of copyright in this information environment. It is so nice of them; so useful! How great! What the Copyright Clearance Center does not say publicly is that they have an agenda, and it is not ours because they then turn around and take our money and then they use that money, along with their corporate name, to support lawsuits against libraries; lawsuits that seek to restrict the fair use of copyrighted material in educational environments. If you do not know what I am referring to, go check out the e-reserves lawsuit

brought against Georgia State University. Check out who was prosecuting that. What they did there is the equivalent of some third-party standing outside of your supermarket and saying, "Here, let me help you carry your groceries to your car; and it will just be a small fee; and then please just look away while I use your money to pay to pass a law that says you are not allowed to carry your own groceries anymore, thereby forcing you to pay me to carry them for you." That is abusive, and we have to stop accepting that behavior as acceptable.

This one is both very simple and very difficult; just pay attention. How many libraries know the terms of every one of their license agreements? How many libraries know the terms of the license agreed to on their behalf by a consortia? How many libraries know the terms of the license agreements that were agreed to on their behalf by their state library or their University system? How many libraries know where their pricing stands in the realm of all the pricing from that vendor? Do you know what your neighbor is paying for the same product? How many libraries know what new models are evolving in the profession? What new possibilities are you eyeing? There is a lot to know, but we cannot demand our rights if we do not also take responsibility for understanding our context. And you are here. It is a brilliant step. I just ask that you please exhort all of your colleagues to make the same kind of steps because awareness of these things really, really matters.

We must demand the freedom to speak, and if we are going to demand the freedom to speak, we have to also use it. If it is our right, it is also our responsibility. It is like voting, right? Do not complain about the government if you are not going to vote in the election. Do not complain that nobody is talking if you are not willing to talk. So, cut the silence, break free, speak! Speak to

vendors, speak to faculty, speak to users, speak to administrators, speak to your community, speak to each other. Just speak. And take some action. Do something. No one is going to solve these problems for us. If we are going to see an evolution of our industry, if we are going to see a resolution to the serials crisis, if we are going to see a future beyond the "big deal," we have to be agents of action. I opened with the statement that the best libraries have never been simply buyers or warehouses for information, that we are something more. That we are centered around synthesis, access, and creativity. And if that is an ideal, it is not just an ideal for our users. It is an ideal about what we can be, too. It is ideal about what we can do and how we can do it. So, let us build a new system. Let us find a new way. Let us build new partnerships, new relationships and find something more creative, more agile, and more accountable than what we have been offered up to this point. Let us act. We cannot assume that these other players have our best interest at heart. We are the librarians. It is our job to look out for libraries. Let us do that. Let us do our job. We must own it. We must exercise our rights and we have to just do it.

I say that because we deserve better than to look like deer stuck in Stockholm. We deserve better than abusive sales relationships. We deserve more than being providers of cash to sales partners that do not really care about us. We are more than purchasing agents. We are librarians. We are information professionals. We are smart. We are savvy. We are creative. We are passionate. We are dedicated. And I think we also all know that we are damn stubborn. So we can be smarter. We can be more vocal. We can be more influential. We can be powerful, but only if we choose to demand our rights and exercise our responsibilities. No one is going to offer us power because we are nice people. So be more. Be more than a customer. Be a partner and be better. Thank you.