Against the Grain

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

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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 infringement, 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 reformats (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 pursing 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 insti-

And They Were There — Reports of Meetings

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

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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@unm.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/principl.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-

tution, under section 110(1) the teacher certainly 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 institution 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 scholars who are writing historical works about a region of the country to obtain permission 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. http://www.unc.edu/~unclng/public-d.htm. 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 seeking 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 often includes the words. 🌳

Our look at legal publishing will continue up to the present in the next column of "Legally Speaking." I will discuss such milestones as the National Reporter System 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 imperative 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 promulgators to do it in the most public and perspicuous manner; not like Caligula, who (according to DioCassius) wrote his laws in a very small character, and hung them up upon high pillars, the more effectually to ensnare the people."[32] 🌳

sources toward the educational role, partnering with colleagues in other libraries, promulgating key principles on campus, thinking of ourselves as educators who are faculty partners, creating an assessment mentality, and treating the current environment as an opportunity.

With twenty presentations, five discussion forums, and thirteen poster sessions, it was impossible to attend every event. It was, however, possible to see three themes emerge from a close reading of the program, conversations with fellow attendees, and a presence at various sessions: forming partnerships, reaching specific learners, and effective instruction.

A key element in successful library instruction 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, becoming part of campus learning communities, and working with high schools. At **Millersville University**, librarians serve as academic advisors. Information literacy 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 specific populations such as athletes, students in biology or the health professions, and distance learners. Reaching these students often required forging partnerships. 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 thinking and problem-based learning, use of handouts, and assessment. Several presenters focused entirely on technology, specifically the use of Web pages and tutorials 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 message, it was a plea to make library instruction interesting and fun.

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

Themes from other presentation 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 instruction (eg lots of students); Librarian as academic advisor; University studies course; Using a syllabus to guide orientation; Library modules; Face-to-face interaction to reduce library anxiety; Transitional students; Tailored Web pages (to individual classes); Handouts as a teaching tool.

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

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

Discussion

Library instruction role in information literacy; Marketing to 1st year (who are they, how do you reach them); Collaboration/strategies for orientation; Assessing 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 Chepesiuk** <110423.2656@compuserve.com>, mitlinl <mitlinl@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 examines 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 librar-

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 he 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 1967 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-sell-

ing 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 **Mariam 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 becoming 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 Web sites will not used without prior consent and in compliance with copyright law? How can libraries fulfill 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 Colleran**, 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 Sharma**, 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 <herringm@winthrop.edu> or Ron Chepesiuk at <chepesiukr@winthrop.edu/>. 🌳

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