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Curating Collective Collections — Policies For Shared Print Programs: Questions to Address in Writing a Memorandum of Understanding (MOU)

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The growing body of shared print MOUs is beginning to give shape to the movement towards collective action to ensure preservation of and access to a national collection. The success of shared curation of the North American print collection will depend on the efficacy of these cooperative agreements in creating a workable set of supra-institutional policy and organizational arrangements. What are the key considerations in developing a MOU? Do these agreements provide sufficiently robust mechanisms to ensure effective discovery, access, and preservation of a shared collection? Viewed collectively, are they laying a firm foundation on which to build a national program?

While we are still early in the grass-roots phase of creating a national collective collection, some patterns are beginning to emerge in the 32 or more U.S. MOUs identified so far.¹ This is the first of several columns in which I will attempt to identify some early trends and issues and provide some guidance in developing MOUs.

“Shared Print Policy Review Report”² by **Constance Malpas** reported on a review of 18 MOUs up to 2008, and concluded with “areas for further work.” My next few columns will follow up on some of these suggestions by:

- reviewing the MOUs written since 2008;
- detailing key considerations to address in developing a MOU;
- summarizing how U.S. consortia have answered the questions below; and
- characterizing differences in approach, and making some observations and recommendations on emerging practices.

Based on a review of existing agreements and my consulting experience, what follows are key questions that should be addressed in framing an MOU. This is meant as practical guidance for those writing and updating MOUs, cooperative agreements, last copy policies, and other foundational documents for shared print initiatives.

Before You Start Writing

Full and frank discussion of the following questions helps develop a set of principles and common understandings to guide the writing of an agreement.

- What are your goals (e.g., ability to weed and/or substitute digital copies with assurance of access to print copies, space savings, cost savings, guaranteeing preservation and access to of little used materials, etc.)? Which are most important?
- What type of shared print program are you initiating? Light or dark storage? Distributed or centralized? Regional consortial, statewide, or other in scope?
- What is the business model and is it sustainable?
- What relationship (e.g., overlap, complementary, partnership), if any, will your efforts have to other shared print programs and/or preservation programs (e.g., **WEST**, **HathiTrust**, **Portico**, **CIC**, **ASERL**, etc.)?
- Will the MOU address a specific *project* (e.g., a specific list of journals or publishers), or anticipate development of an ongoing *program* of shared collection management? Do you anticipate a potential move into other genres (e.g., monographs, reference materials, government documents, newspapers, microforms, etc.)?
- Who is the audience for this MOU?
- What inherent tensions within the consortium are likely to come into play in shaping the MOU? Every group has them; they typically include: resource disparities; and/or differences in mission or types of libraries, in need for space, or in extent of commitment to preservation of legacy materials.
- Based on discussion of these questions, can you articulate a set of principles to guide your cooperation on a shared collection?

Key Questions

Writing an MOU entails thoughtful discussion of the following questions and can be informed by perusal of extant MOUs.³ While it is *not necessary to answer all of these questions in your MOU*, it is very helpful to consider each of them as you frame it. You will need to decide which to address in the MOU and which to answer in separate policy, procedure, or guideline documents. This not a comprehensive list. Each set of questions leads to others at a level of detail beyond the scope of this column.

1. Program description, principles, purposes, goals and definitions — *Very briefly* describe the aims and model of this shared print initiative. What are its purposes, goals, and principal modes of operation? Is it part of an existing consortium or a new entity? What are your guiding principles? What is the duration (number of years) of the agreement? What terms should be defined for the benefit of future readers? Is this a legally binding document?

2. Eligibility and participation — Who are the participants? Who is eligible to join? If part of a pre-existing consortium, is participation in the shared print program required or optional for consortium members? Is every member expected to participate in every component of building a multi-faceted shared print program, or can participants opt-in to specific initiatives? Are there different categories of membership? Do retention commitments survive beyond the duration of membership? Is access to the shared collection restricted to members of the consortium?

3. Governance and operations — What is the governing body responsible for policy, financial, and contractual decisions? How is this group constituted (appointed/elected, representation, terms of service, etc.)? Is there an administrative host and what are its roles? Is there a steering committee responsible for managing day-to-day operational functions and implementing projects to advance the program? If so, how is this group be constituted and how does it relate to the policy-making group?

4. Scope and selection of materials for shared collection — Define the shared collection. What sorts of materials are included and excluded? What are the selection criteria and who approves them? What are your last copy policies and attendant mechanisms? What is the minimum number of copies that will be retained? Will you keep one copy of every item, or are there provisions for weeding last copies of materials judged unnecessary to retain? Before agreeing to retain an item on behalf of the consortium, is a library required to check the shelves to see if it actually exists and meets agreed condition criteria? What are the condition criteria, e.g., completeness, absence of mold or excessive markings, good physical condition? Are there different categories of materials defined by the level of risk? Will the scope of the shared collections expand through future initiatives? Are there provisions for transfer of materials to assemble complete sets, ensure retention of best copies, etc.? Will you initiate cooperation on prospective acquisition of print materials?

5. Duration of retention commitment — What is the length of retention commitments? Will there be different retention periods for different categories of materials?

6. Ownership and location of materials in shared collection — Who owns materials retained on behalf of the group: the owning institution, the consortium, or a separate entity constituted for this purpose? Where do they reside: in the owning library, in a central storage facility, other? Are there restrictions on selling, discarding, donating, or otherwise relinquishing ownership or control of any of the materials an institution has agreed to retain? May a participant later transfer to another participant titles it has agreed to retain? If so, who bears the costs of transfers, who owns the materials, and how is this handled?

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7. Withdrawal of materials from member collections — What are the rights and responsibilities of participants when withdrawing materials not specifically included in the shared collection by means of retention commitments? Specifically, does the last copy policy cover only materials formally included in the shared collection, or does it cover all materials in the participant collections? How do you handle questions of bibliographic indeterminacy, e.g., exact copy vs. manifestations judged to contain equivalent content?

8. Collection management/maintenance — Are your provisions for preservation of shared titles sufficiently robust to meet the long-term needs of the participating institutions? What are the roles and responsibilities of participants in relation to storage requirements and collection management for materials retained on behalf of the consortium? Specifically what are expectations concerning physical handling, marking, bibliographic identifiers, temperature and humidity, security, inventory of retention titles, protections against inadvertent discard of retained materials, and replacement in case of damaged, lost, or missing materials? Are there different requirements for materials deemed to be at different levels of risk?

9. Access/service model — What are the loan policies for materials in the shared collection? Do they differ from those of other materials in the participant's collection? Are there provisions for "building use only" for at-risk materials? Are you able to piggyback on existing consortial delivery and ILL policies and infrastructure? Are there restrictions on who can access materials in the shared collection, e.g., will they be available to libraries outside your group? Will you provide document delivery and digitization on demand from the shared collection? Are you concerned about "free riders"?

10. Business model — Typically costs will include: discovery services, delivery services, ongoing storage and maintenance of materials, updating bibliographic records, replacements, collection analysis, data refresh where relevant, transferring materials to other libraries, and withdrawing materials from local collections. Which costs will be absorbed locally by participants, and which will receive financial support from the consortium? Who approves the budget and, if relevant, the cost-sharing formula? Who is the administrative host and what are its budgetary responsibilities?

11. Bibliographic control and disclosure — What are the expectations and standards for bibliographic control? What are your policies and mechanisms for clear and consistent disclosure of: duration of retention commitments, holdings statements, and materials withdrawal in light of retention commitments by other participants?

12. Withdrawal of members from participation — What if an institution wishes to withdraw from participation in the shared collection? Under what circumstances would this be acceptable? How would you ensure that the interests of the consortium in ensuring long-term preservation of unique content retained by the withdrawing party is balanced with the interests of the withdrawing party?

13. Dissolution of the shared collection — How would you handle a potential dissolution of the shared collection and the attendant agreement?

14. Amendment and review of MOU — What provisions will you make for regular review and for amendment of the MOU in light of changes in the landscape of library preservation and access, and in light of changing needs of the group?

15. Institutional commitment: signatories to the MOU — Is this a commitment on the part of the library, or on the part of the college or university? Who will sign the MOU? Library Director, Chief Academic Officer, President? While still respecting the autonomy and cultural differences among participating institutions, how do you guard against the potential for a future arbitrary institutional mandate that erodes the shared collection?



16. Related policies, procedures and/or guidelines — How will you provide for formulation and promulgation of policies, procedures, and guidelines relating to the shared collection that are not included in the MOU?

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Conclusion

Successful shared management of our legacy collections will ultimately require an interlocking set of local, consortial, and, perhaps ultimately, national collection management policies and plans. The grassroots development of consortial MOUs has emerged as the first step.

The key complementary step, almost universally overlooked, is for each participating institution to develop its own collection management plan.⁴ This should articulate local collection values, policies, and practices within the context of the consortial MOU, and guide local action in implementing the MOU. Taken together, these twin foundational documents begin to provide a rational framework for creating and managing a collective collection. 🐷

Endnotes

1. As of January 2014, included in this count are 16 U.S. policy documents from the 2009 **Malpas** report, 10 from CRL's PAPER site, and six others I learned about elsewhere. These are listed in a spreadsheet at www.samdemasconsulting.com. Please help me make this list comprehensive by letting me know about any I may have missed and others under development.
2. **Malpas, Constance**. 2009. Shared Print Policy Review Report. OCLC Research. www.oclc.org/programs/reports/2009-03.pdf
3. The **Center for Research Libraries** "Print Archive Preservation Registry" (<http://www.crl.edu/archiving-preservation/print-archives/service-agreements>) is a good source of sample MOUs (aka shared print archiving agreements) to peruse.
4. See "Rethinking Collection Management Plans: Shaping Collective Collections for the 21st century," in *Collection Management*, v. 37, issue 3-4, 2012, p. 168-187; and "What's Your Plan? Writing Collection Management Plans" in *Against the Grain*, March 2011, both by **Sam Demas** and **Mary Miller**.