July 2016

If Rumors Were Horses

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Changing Library Operations in the E-distribution Environment

by Allen McKiel (Dean of Library Services, Western Oregon University)
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and Jim Dooley (Head of Collection Services, University of California, Merced)
<jdooley@ucmerced.edu>

I have been writing the articles that accompany ebrary e-book surveys since the first survey in 2007. This year Katina asked me if I would like to guest edit an ATG issue on e-books. My first thought was to include the most recent article for the survey of students done by ebrary in September 2011. The second was to expand the topic beyond e-books and to include changes that are occurring in library operations because of the transition to e-distribution generally. It seemed particularly suitable since I have, for the past five years, coordinated a panel discussion at the Charleston Conference on the changing library operations. Katina agreed so I asked Jim Dooley, who is the Head of Collection Services at UC Merced and has been on the panel from the beginning, to be a co-guest editor and to write one of the articles on changing library operations at Merced. He agreed and said he thought Martha Hruska, Associate University Librarian for Collection Services, UC San Diego, might be willing to write an article. Western Oregon University, where I hang my hat as the Dean of Library Services, is one of the Orbis Cascade Alliance libraries where we are currently embarking on a project to cooperatively purchase e-books in a patron-driven acquisitions model. James Bunnelle, Acquisitions & Collection Development Librarian at Lewis & Clark College, agreed to write an article updating progress on the project. Finally, I also contributed an article on library operations at Western.

If Rumors Were Horses

I was excited to see this news! The delightful, kind, and generous Sara Miller McCune, founder of SAGE, will be recognized for her contributions to education and philanthropy with the Courageous Leadership Award from the Hope Foundation. The Award recognizes the extraordinary and courageous acts of educational leaders on behalf of children globally. “When Sara Miller McCune founded SAGE in 1965, she took a courageous step and began publishing books and scholarly journals in academic disciplines that were in the forefront of the social sciences in the latter half of the 20th century. In 1990, Sara McCune and David McCune, the President and CEO of SAGE at the time, again took a courageous step when they created Corwin Press to help educators do their work better and make a difference in the lives of students and teachers. This award celebrates Sara McCune’s courage, leadership and vision as a publishing pioneer whose achievements have helped advance research and practice in K-12 and higher education for almost 50 years,” said Blaise Simqu, SAGE CEO, who accepted the award on behalf of McCune at the Awards Gala in New York City, October 11, 2012. I remember when Lyman Newlin, rest his soul, introduced me to Sara and her dear mother down at the Mills House during a Charleston Conference, was it 1991? Sara remained my friend and mentor after that. She made suggestions about Against the Grain, and it was Sara who suggested that I split Rumors and put only a small part of it on the first page to appear more scholarly and also to attract readers inside the publication. Sara Miller McCune continues to be a philanthropist and model for us all. http://www.hopefoundation.org/calendar/events/2012awards http://en.wikipedia.org/wiki/Sara_Miller_McCune continued on page 6

James Bunnelle’s article “Pilot to Program: Demand-Driven E-books at the Orbis-Cascade Consortium, 1 Year Later” is a follow-up to McElroy & Hinken’s “Pioneering Partnerships: Building a Demand-Driven Consortium e-book Collection,” published in the June 2011 issue of ATG, describing the formative stages of the project. James provides a description of the model and the experiences of its ongoing evolution over the last year including the partnerships with EBL and YBP, the multiplier and the short-term threshold, discovery and loading, training, evaluation, exit strategy teams, and usage.

After a brief description of the Merced library focusing on its nature as a new library continued on page 12

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The first thing to celebrate is the fact that we haven’t had a hurricane in Charleston this year. Oh, I know, we had all sorts of rain storms and people posted pictures on Facebook and all that. But it always floods in Charleston. That’s the problem if you are below sea level! But the second thing that I am celebrating is that our daughter Ileana passed her Internal Medicine Boards! Exciting. Now she can take care of aging Mom and Dad.

This issue is even more cause for celebration. Guest edited by the energizer-bunny Allen McKiel and the resourceful Jim Dooley, it tackles changing library operations in the e-distribution environment. Articles are by Allen and Jim as well as Martha Hruska of UC-San Diego and Jim Bunnelle of the Orbis-Cascade Alliance. There are lots of facts and figures and surveys galore. Our Back Talk is about eBooks and publishers and I am surprised at what Tony Ferguson seems to have been reading! Sue Wiegand focuses on the problem of defining what a database is. If we don’t know, how can our poor patrons/end users/customers know? We have interviews with the glorious Michele Casalini, the charming Peter Brueggeman, and the hard-charging Jane Burke. A new column in the media space is by Winfred Fordham Metz about the National Media Market, Bill Hannay gives an apple to authors, Joe Badics talks about patron-driven acquisitions. We learn about the very first annual university press week from Brenna McLaughlin and Leila Salisbury. Tom Leonardt praises bookstores, Donald Polzella talks about psychology handbooks to keep in our collection, and Bob Nardini is thinking about air traffic control. Want to know about Reflexive Curation? Or the difference between a good or great research library? You can read it here! There is much more in this issue so go inside and browse awhile!

Meanwhile, I have to get out my kayak. It seems to be flooding outside the Citadel where I live! Oh well! Happy fall!, Yr. Ed. 🦀

Letters to the Editor:

Send letters to <kstrauch@comcast.net>, phone or fax 843-723-3536, or snail mail: Against the Grain, MSC 98, The Citadel, Charleston, SC 29409. You can also send a letter to the editor from the ATG Homepage at http://www.against-the-grain.com.

Dear Editor:

Please Note: This letter was addressed to Tom Gilson.

Thank you. I think your idea of posting the article and videos is very good. (See “ATG Article of the Week: Science Journal Produces a Different Kind of Viral Video” at http://www.against-the-grain.com/2012/06/atg-article-of-the-week-science-journal-produces-a-different-kind-of-viral-video/)

Charleston is a great conference, has a different spirit, and provides better opportunities for interaction in comparison to many other conferences of comparable size. I am looking forward to attending in the future.

Best regards, Moshe Pritsker, Ph.D.
(CEO, Editor-in-Chief, co-founder, Journal of Visualized Experiments (JoVE), 17 Sellers St., Cambridge, MA 02139; Phone: 617-765-4368) <moshe.pritsker@jove.com>
businesses, will give the opening keynote on Thursday morning. In her abstract she says today’s scientist is “looking for a new kind of help. They want air traffic control support” to navigate through all the online data and research. Talk about serendipity! Can’t wait to hear the speech! Thursday morning, first thing!

The bookstore is still alive and well in some parts of the world! Was intrigued to read the interview with John Riley that was done in September by The Spine Nine, a great Website that promotes old bookstores! John is the owner of Gabriel’s Books which is in Northampton, Mass. John opened his first bookstore when he still a senior in college and stocked it with the 3,000 books he had already bought himself. I was embarrassed that I have known John for forever, right, John? and I didn’t know any of these things about him! John, BTW, is also a fantastic sales rep for BUSCA in Ithaca NY.

http://www.getaspinebooks.com/2012/09/the-spine-nine-gabriel-books.html
http://www.buscainc.com/

And speaking of bookstores — Tom Leonard talks eloquently about bookstores like the Intimate Bookshop in Chapel Hill, NC (which I myself remember, pardon the pun, intimately), Powell’s in Portland, Oregon, Booked Up in Archer City, and the main subject of his column Browser’s Books in Albany, Oregon, owned by Scott Givens. See this issue, p.88. http://www.browsersbookstore.com/newsletter.html

And speaking of Booked Up, remember when my son Raymond Walser (talk about a Bookman! he knows where every book is in our house and we have a lot of them and he rarely visits since he’s married with kids and in the Army). Anyway, Raymond wrote an article many issues ago about Larry McMurtry’s, Booked Up. When Raymond retires from the Army I would not be surprised if he opened a bookstore and maybe he would need an acquisitions assistant!

Rumors
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Conversion of e-journal and Print Title Subscriptions to Pay-Per-View Access Over Three Years

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<th>Cost (7)</th>
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Usage and Expenditures of Print versus Electronic Book

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<th>Cost thru Consortium</th>
<th>Cost as Individual Library</th>
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Rumors

Long-time friend and colleague Anne Robichaux <awkr772@gmail.com> (once Associate Director at the Medical University of South Carolina Library) and her husband Ken (once at Majors) were recently in Dublin. They snapped this photo just outside a pub and sent it to us at Against the Grain. They said, however, that they cannot advise us on the offerings inside. We will have to go check that part out for ourselves!

I am sad to report that Edna Laughrey, long-time acquisitions librarian at the University of Michigan, passed away Tuesday, September 4 at the age of 71. After her retirement, Edna established Laughrey and Associates and in that capacity was the very first person to sell advertising for the fledgling publication, Against the Grain. Edna and her devoted husband, Earl, attended many Charleston Conferences and were instrumental in the establishment of the Juried Product Development Forums which continue to this day. Edna and Earl also loved BEA and Edna even designed a bookmark for one of Katina’s and Bruce’s early fiction attempts. May she rest in peace. Sadly, Katina Strauch.

Heard from the glorious Ed Colleran <ecolleron2@gmail.com>. He told me that he left Copyright Clearance Center (CCC) as of June 30, 2012. He’s decided that this is a good time to take a much-needed break and think about his next venture. Ed spent 14 successful years with CCC. With his experience in publisher relations and international growth, I’ll bet that Ed will stay active in the rights holder community. And, he will be in Charleston in November, of course! You heard it here!

Did you know that November 11-17 is the very first university press week and we have two great articles (this issue, p.66, p.68). Let’s find our University Press colleagues and celebrate in Charleston!

Paul Kelsey (Head of Acquisitions, Southeastern Louisiana University) and the 2013 Harrassowitz Award for Leadership in Library Acquisitions invite nominations. The Harrassowitz Award for Leadership in Library Acquisitions is presented by the Acquisitions Section of ALCTS for contributions by and outstanding leadership from an individual in the field of acquisitions librarianship. The award consists of $1,500 and a citation donated by Harrassowitz in honor of Dr. Knut Dorn, retired managing
QUESTION: (1) Should an academic library now institute a 10% rule for reproducing material from books because of the Georgia State University decision? (2) Is it better to place a copy of the book on reserve if the faculty member has asked to have too much duplicated for reserve?

ANSWER: (1) The judge issued her opinion in the Cambridge University Press v. Georgia State University case in May 2012. One of the surprising holdings was that for books, it is presumably fair use to copy one chapter of a book or 10% of a work for e-reserves for course management software. While a library may want to follow this holding, it is applicable only in the Northern District of Georgia. Further, the plaintiff publishers have appealed the ruling which primarily was decided in favor of the defendant, Georgia State University.

(2) Placing the book itself on reserve is certainly an alternative when the faculty member asks that too large a portion be reproduced for reserve. When books are put on reserve, no copyright issue is raised since the library is not reproducing the work. Other alternative is to seek permission and pay royalties if requested or to take a campus-wide Copyright Clearance Center license.

QUESTION: A law librarian is working with a group of librarians to develop a Webinar for a regional law library association’s meeting. For the Webinar, the group wants to use movie clips. (1) Is it possible to use the clips at all? (2) If yes, how many clips can be used? (3) Is there a limit on the length of each clip?

ANSWER: If this were a course offered by a nonprofit law school or any other nonprofit educational institution for enrolled students, even students enrolled in a continuing legal education course taught by the school, use of the film clips would present no problem. Section 110(1) of the Copyright Act, the face-to-face teaching exception, permits performance of an entire film to a class as a part of instruction. If this were a Webinar for enrolled students in a nonprofit educational institution, then reasonable and limited portions of films can be used. Because a Webinar is transmitted, the amount that can be performed is more limited under section 110(2) than for face-to-face teaching.

The difficulty, of course, is that the regional association is not a nonprofit school. So, the answer is much less clear. (1) A fair use portion can be used, but it is not clear how much this is. (2) There is no limit on how many such clips the Webinar can use. (3) Likely 2-3 minute clips should be safe, but there is no guarantee that a copyright owner will not object. Showing the clips one time when the Webinar is first offered is not as problematic as leaving the Webinar along with the clips on the Web. Should the group wish to leave the Webinar online, then it should seek permission to include the film clips.

QUESTION: If a small local museum publishes an article on its Website that originally appeared in a state publication but gives proper credit, is the museum infringing copyright?

ANSWER: In order to answer this question, more information is needed. Does “state publication” mean published by a state government agency? Or does it mean just a publication about the state? Assuming the former, many states do not claim copyright in their publications, but others do. If the particular state does not claim copyright in the publication or if the article is now in the public domain because the copyright has expired, there is absolutely no problem with posting the article on the museum’s Website. If the article is still under copyright, then permission from the copyright holder is needed. If the state holds the copyright, it is likely to grant such permission.

Should the museum be unable to identify the copyright holder, and it is willing to assume the risk for posting the article (which is likely to be low in the situation described), it might choose to post the article on the Web with a disclaimer indicating that the museum has been unable to locate the copyright holder and ask for help in finding the owner. Because it is posting the entire article, however, it is less likely to be fair use than if only a portion of the article was posted. Giving credit does not grant permission to reproduce the article but is the proper thing to do in order to avoid plagiarism. Moreover, it helps users to know the source of the article.

QUESTION: An academic library purchases DVDs for use in face-to-face teaching activities as a part of course instruction. (1) Does this fall under the protection of fair educational use so that no additional licenses need to be purchased? Many vendors of academic films offer copies of their films for both home use and institutional use, with institutional use at a significantly higher cost. (2) Should the library purchase films at the institutional rate?

ANSWER: (1) Actually, purchased videos used for face-to-face teaching are covered by section 110(1) of the Copyright Act, the classroom exception. While fair use likely permits performing small portions of a film, it is the classroom exception that allows faculty members to perform the entire work for a class in face-to-face teaching in a nonprofit educational institution if the performance is a part of instruction. Some vendors have been known to misleading schools and indicate that a performance license is needed even for face-to-face teaching, which is inaccurate. (2) The higher institutional rate usually permits public performances in the institution outside of the face-to-face classroom. So, if the institution is interested in using the films for student clubs in the evening, community viewings, etc., then the institutional rate includes these rights. Of course, one needs to read each vendor’s license agreement to ensure that the higher rate actually provides the rights needed.

QUESTION: May an archival collection reproduce a photograph of Sammy Davis, Jr., that was taken when he appeared at a civil rights rally on campus, if there is no copyright information on the photograph?

ANSWER: Oddly enough, neither Mr. Davis nor his heirs likely own the rights in the photograph. It is the photographer who owns the copyright typically. It is possible that the educational institution owns the copyright if the photographer was an employee, i.e., staff photographer. With no information on the photograph about the photographer, it is difficult to determine whether the work is still under copyright or even who owns the rights. The question does not specify the purpose of the reproduction or whether a single additional copy is being made for scholarship and research or if reproduction means publishing the photograph in a publication or posting it on the Web. The risks are different for each type of reproduction.
copies, had ZERO copies available, and 186 people were on the waiting list. For Fifty Shades Darker, they had purchased 20 copies, had ZERO available, and 90 people waiting to read this title. For Fifty Shades Freed they had purchased 15 copies, ZERO were available, and 87 people were waiting to read a copy. The only other Top 15 title they owned was Gone Girl for which the library owned 17 copies, ZERO copies were available and 128 people were on the list to read it.

If the library only had four of the Top 15 titles, why didn’t the County library buy the other 11? Not surprisingly, given Sullivan’s letter, seven are from Penguin. This means that one publisher is responsible for denying the eBook readers of Pima County, Arizona’s public libraries the right to read what others are reading. Three of the other four titles are published by the Little, Brown/Hachette group, and the other title is published by Hyperion.

So, what should all of this mean to these anti public library publishers? They should recognize there is nothing to fear. In the face of long cues, many readers will simply buy their own copies if they have a passion to read a particular title or author. In my own case, with my credit card registered and gift card cash balances, it is only too easy to buy an eBook. In most cases for the fiction writers I most enjoy, I have long since read the county library’s print and electronic holdings and, using my own funds, have loaded up my Kindle so that I am never in danger of boredom. Please retrieve public libraries from beneath the bus. *

Conference next November! November 6-9, 2013. Hooray! Looking forward!

Speaking of dynamism, just heard that the awesome OCLC Senior Research Scientist Lynn Silipigni Connaway, Ph.D. has been elected to a three-year term on the Board of Directors of the American Society for Information Science and Technology. A frequent speaker in Charleston, Dr. Connaway leads the OCLC Research User Behavior Studies & Synthesis activities theme. Her responsibilities include research projects that directly involve OCLC libraries and users as well as collaborative investigations of digital information seekers, users in the virtual research environment, and digital “visitors” and “residents,” and IMLS-funded grant projects to study virtual reference and social question and answer services and the behavior patterns of college and university information seekers. The American Society for Information Science and Technology (ASIS&T) supports a range of efforts to improve access to information and advance the information sciences and related applications of information technology. Congrats, Lynn!!

A long-time colleague from the College of Charleston is returning to Charleston in November for the Conference after 20 years! The last time I saw the gorgeous Leslie Abrams was in San Diego when my daughter Ileana and I were there for a medical convention. It was the year that Big Brown was supposed to win the Triple Crown. Leslie says her job at UCSD is radically changing since they are doing away with all the subject libraries. Leslie will now be the director of a “new” program, Information Development and Management, including preservation and scholarly communication. Responsible for all collections, all formats, and soon she will begin constructing a new program. And Leslie will remain the head of the Arts Library until June 2013. She says she will probably be coming to the Conference every year! By coincidence, we have an interview with Peter Brueggeman ( Scripps Institute of Oceanography, UCSD), this issue, p.56. Another coincidence—a article in this issue by the awesome Martha Hruska (UCSD) on patron-driven acquisitions (p.30).

And, finally, here are the scholarship and contest winners for 2012 Charleston!

Library Connect Charleston Conference Award goes to Maliaca Oxnam, Associate Librarian, University of Arizona. http://libraryconnect.elsevier.com/articles/supporting-users-organizations/2012-10/maliaca-oxnam-wins-2012-library-connect-charleston

Harrassowitz Charleston Conference Scholarship goes to Chris Bullock, Electronic Resources Librarian, Southern Illinois University, Edwardsville.

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tokens) has placed those booksellers in the unfortunate position of having deceived the public.

It must be admitted that the new edition differs from the 'Complete Edition' in containing three more plays (though this is small consolation to the original purchasers!); but apart from these extra pages and the WARNING FROM THE AUTHOR, apparently the new edition is in fact a reprint from the plates of the Constable's edition.

I can hardly suppose that Constable gave the booksellers their assurance without your consent. It would help those booksellers (already sufficiently penalised) who are charged by their customers with a breach of faith, if you could arm them with a statement exonerating them from complicity.

Bernard Shaw would have none of Basil Blackwell's polite wheedling. He responded, October 25, 1934, like a hornet:

Dear Mr Blackwell,

In future, when a customer asks for a book of mine, say 'Thanks very much,' wrap the book up nicely in paper for him (or her), take the money, give the change, say 'Thanks very much' all over again, and bow the customer out.

If, out of pure gratuitous incontinence, you prefer to enter into conversation and give unsolicited assurances, of an obviously idiotic character, about my business intentions, you do it at your own risk; and it turns out subsequently that I never had any such intentions, you will have to exonerate yourself as best you can.

I have given Constable a letter to the effect that they took no part in The Daily Herald transaction except to oppose it with all their might. I can do nothing for the booksellers but to tell them not to be childish.

In America I have lately had two copies of 50,000 copies each from Book Clubs, to be given away to their members for nothing, as a bonus. Of course I accepted both.

I am looking forward to an order from Woolworths for a six-penny edition. Would you, Basil, refuse any business if it came your way?

And have you no bowels of compassion for the millions of your fellow-countrymen who can no more afford a twelve and six-penny book than a trip round the world? You should see some of their letters.

I am really surprised at you. When we met at Bumpus's, you seemed quite an intelligent youth. Faithfully etc."

The resonance of the above hardly needs comment. In his time, Sir Basil survived the snub and the competition, and the bookshop prospered by leaps and bounds. Today his “good bookman” is alive and well, even if the term is arcane, and his bookshop will survive despite its competitors. Just as the Great Bodleian Library continues to provide physical books for the academic community, while displaying its wares for all to see; virtually, so Blackwell's remains a “book shop from a happy dream,” habitual for anyone living in or passing through Oxford, whose stock can also be browsed, digitally, around the world. Sir Basil's mantle has long since passed to his sons and grandsons, but Julian Blackwell, in his ninth decade, is as determined as his father that “this building and this firm” will continue to be one of the “good things in life.” He is doing everything possible to ensure that the experience of the physical bookshop will continue to be as rich a one as his father described, where the good reader is “as eager to read as to acquire these treasures.” Whatever the competition, Blackwell's, in his father’s words, “is a place where the individual products of the human spirit will not be regarded as merchandise to be handled in the bulk.” Having the last word, Sir Basil liked to remind his colleagues, in the book trade, that it is the reader (or good bookman) who will be the judge. And the books and writings he left behind, which now contribute to the study of the History of the Book and can be found in the Merton College and Bodleian Collections, have much to contribute towards an informed judgment.

In the next installment Rita Ricketts will take us on a tour of Sir Basil's workroom, in his beloved Board Street shop. It was here that “bookmen” from all walks of life met and where Blackwell's own publications line the walls.

Endnotes
3. Basil Blackwell — notes — MBC.
5. Rita Ricketts, Adventurers All, p 4 Blackwell's, Oxford, 2004
6. See Rita Ricketts Adventurers All and various copies and amendments of The Good Bookman, 1945, in the Merton Blackwell Collection (MBC).
7. The letters remain among Sir Basil's papers, and are printed in full in The Publishers’ Circular and The Publisher and Bookseller, November 3, 1934, MBC.