

Library Council  
January 16, 2013  
Minutes

Attendees: Deborah Jakubs, Bob Korstad, Tom Hadzor, Ann Elsner, Steve Cohn, Beth Doyle, Peter Haff, Lisa Huettel, Anna Gassman-Pines, Christine Gibson-Davis, Molly Tamarkin, Michelle Connolly, Jeff Vincent, Gil Merx, Daniel Griffin, Bob Byrd, Daniel Schmitt, Neil McWilliam; Speakers: Kevin Smith, Emily Daly; Recorder: Lynne Grossman

1. Announcements/Introductions
2. Expectations for the Newly Formed User Experience Department: Bob Byrd, Emily Daly
  - This new department with Emily Daly and Tom Crichlow was formed to bring together user and IT staff in order to better understand and respond to our users in terms of physical operations, on-line and in person services. In *Designing Better Libraries*, Steven Bell said the user experience is "...about designing an intentional, well-thought out experience that ensures the community member has a consistently great library experience at every touch point."
  - As Emily transitions out of Instruction and Outreach into User Experience in July, Emily will be developing systems for proposing and tracking projects such as improving signage throughout the building, insuring that navigation from the website's home page to secondary pages is clear, and rearranging furniture to fit traffic flow in a better, more logical way. Our student advisory boards provide great feedback on all aspects of library services and we will spend a lot of time on the library website redesign which includes the realignment of content around strategic objectives and patron needs; improved access from all devices; and the move to Drupal, a new content management system. However, this collaborative effort does not include catalog interfaces, digital collections or LibGuides. Materials that won't migrate to the new website will be archived and accessible.
  - Tom Crichlow is the project manager for the website redesign, which has the following timeline targets: Planning phase: October 2012-January 2013; Design and draft phase: February-April 2013; Content phase: May-July 2013; Launch phase: August 2013. The new site goes live on August 19, 2013. We are seeking input from and welcome you to submit suggestions to [Emily.daly@duke.edu](mailto:Emily.daly@duke.edu) or [Thomas.crichlow@duke.edu](mailto:Thomas.crichlow@duke.edu).
  - Assessment is a big piece of the department; we will track clicks and take all kinds of metrics for the redesign. Student advisory board members have expressed concerns about the complexities of services and systems and how to navigate them. There has been confusion over lower level 2 vs. floor 2 in the Library. Once the Political Science Department moves and Rubenstein is renovated, it will be less of a problem. We are trying to do a more effective and consistent job of making sure that the carrels are used and we are looking into software that allows sharing of carrels.
3. Can We Lend Films and Resell Textbooks? A Vital Case for Libraries and Higher Education before the Supreme Court: Kevin Smith
  - The doctrine of first sale, which allows the owner of a copy "lawfully made under this title" to "sell or otherwise dispose of that copy," allows library lending, consumer

resale and limits the exclusive right over distribution. This doctrine is being challenged in the case of *Supap Kirtsaeng vs. John Wiley*. Kirtsaeng was a graduate student who resold textbooks bought by his family in Thailand on eBay, thus taking advantage of lower prices in other countries. He was sued by the textbook publisher John Wiley & Sons. Both lower courts ruled against Kirtsaeng; their ruling held that first sale only applies to works manufactured in the United States. Since the textbooks were printed abroad, Kirtsaeng had no right to import or resell them. Publishers thus have new incentives to move manufacturing operations offshore.

- Copyright law was originally very protectionist, with a manufacturing clause that said copyright only applied to works made in the U.S.A. However, this was repealed in 1986 when the U.S. joined international copyright treaties. It still has limits on importation and some very oddly-worded exceptions for libraries; it is the basis for holding that works manufactured abroad are not “lawfully made under this Title.”
- In the worst case scenario, libraries could not lend foreign films; there could be limitations on books printed overseas; libraries could be charged a lending license; and students could not resell textbooks printed abroad.
- Best case is that the Supreme Court has been asked to rule that any copyrighted work that was first sold with authority of rights holder is subject to first sale doctrine in the U.S. If rights holder enjoys U.S. protection, shouldn't they be subject to U.S. exceptions?
- Likely compromise: Court could rule against Kirtsaeng but hold that first sale applies to works manufactured abroad if first sold in U.S. with authority of the rights holder. The Court could clarify specific situation for libraries. Whatever the ruling, Congress will certainly be asked to “fix” the outcome because the law is outdated and unclear. The library community and many “gray market” retailers such as eBay will be part of the revision process.

#### 4. Duke Online Course Initiative Update: Lynne O'Brien

- Activities underway: 2Tor has been renamed 2U. In November, Brandeis, Duke, Emory, Northwestern, UNC, Notre Dame, Rochester, Vanderbilt, Wake Forest and Washington University in St. Louis agreed to contract with this company to produce on-line for credit courses. Each school would produce a couple of courses and sections of 15-20 students from those schools and other schools who meet admission requirements set by the consortium would pay tuition, take the courses and receive credit at their home schools.
- Coursera offers massive open online courses to a world-wide audience with no prerequisites, no tuition or fees, and offers no credit. There are 33 selective universities, including international ones, who have developed 200 courses to date with 2 million students registered world-wide. Provost Peter Lange is on Coursera's Advisory Board. Duke has completed two courses and will put 11 more on the Coursera platform this year.
- Coursera contributes to Duke's goal: “Drive teaching innovation” by flipping the classroom; having flexible class meetings with varied course length, external participants and global perspectives; MOOCs for prep work or advanced work in campus course; continuing education; modular content for reuse and recombining; extending Duke's curriculum; connecting with alumni; basic science courses shared

across medical institutions; big data to improve teaching; and adapting to change as students come to campus having taken online courses.

- Goal: “Knowledge in service to society:” Students from 173 countries have participated across 4 courses.
- Goal: “Showcase Duke:” Courses highlight Duke faculty and curriculum, while introducing Duke to prospective students and promoting connections with alumni. There will be new opportunities with national education experience through the Antioch pilot, ACE credit review and Gates Foundation funding for a composition course.
- For the two completed Duke courses, the end of course survey showed high levels of student satisfaction. We are calling for proposals for new courses on our website.
- Next steps: Select first course for 2U development; implement proposal process for next set of Coursera courses; continue broad faculty discussion around fast-changing models of online education; experiment with evolving technologies and evolving education models; assess online courses and achievement of goals for online initiatives. The online courses advisory committee will decide whether Duke limits the number of courses students can take. Although Coursera is currently funded with venture capital, their business model provides for eventual fee-based earnings. There will need to be good assessment to see where online learning works well and where it does not.

The meeting adjourned at 1:30 pm.

Respectfully submitted, Lynne Grossman, Recorder