

SHELF LIFE

NEWS FOR FACULTY & FRIENDS • SPRING 2013

LOYOLA UNIVERSITY CHICAGO LIBRARIES

Keeping up with copyright and fair use

By Fred Barnhart

Copyright law and the application of the fair use exception for copyrighted material can cause problems for librarians and faculty alike, especially when it involves the distribution of digital content. Contrary to popular myth, not every academic use falls under the fair use exception, and with the ease of creating, manipulating, and sharing digital content it is sometimes easy for a well-meaning instructor to unknowingly violate copyright law. Recently, though, the courts have taken steps in the direction of broadening the fair use exception and clarifying what can be done with copyrighted content.

Two of the most recent cases to capture the attention of librarians and faculty offer strong arguments in favor of fair use rights within the academic environment. In the Georgia State University copyright case, the plaintiffs (Cambridge University Press (CUP), Oxford University Press (OUP), and SAGE Publications) claimed that Georgia State University was infringing on copyright on a massive scale through its policies and practices regarding reserves, which encouraged faculty to create what amounts to online course packs. Judge Evans disagreed on most of the counts and in her ruling offered clarification of the four factors for fair use, including a weighting of the first two factors in favor of academic libraries, especially as they use materials for course reserves. She also provided more explicit direction about what constitutes a fair use portion of the work and how often it may be used, along with helpful guidance about what circumstances would affect the potential market.

More detailed information about this case, and what it might mean for fair use, is available from notable copyright experts, including Brandon Butler at the Association of Research Libraries and Kevin Smith from Duke University.

The publishers/plaintiffs, though unsuccessful in their initial claims, have decided to appeal the lower court's ruling and the case will be heard by the U.S. Court of Appeals for the 11th Circuit.

Another recent decision that strongly affirmed the fair use of digital content by academic institutions is the HathiTrust case (Authors Guild v. HathiTrust Decision), in which publishers sued HathiTrust and five of its academic partners for violation of copyright in their use of digital versions of copyrighted works. The judge (Baer) threw out the case in a summary judgment that concluded that the transformative uses of the scanned content fell within the fair use exception, despite not being specifically allowed by section 108 of copyright law. The plaintiffs plan to appeal, of course. More explanation about this ruling and its impact on libraries can be found at the blog of James Grimmelman, Professor of Law at NYU.

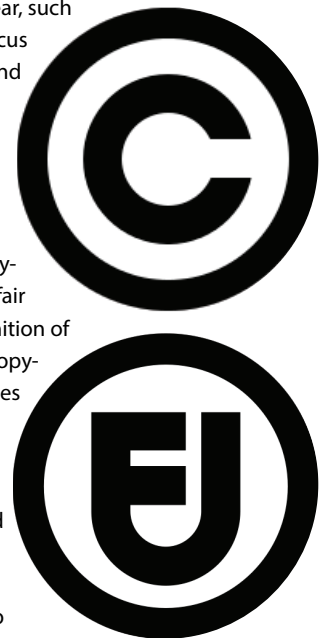
At the University level, in response to some of the confusion surrounding copyright law, the Provost last fall approved the formation of a standing Copyright Committee, co-chaired by Carol Scheidenhelm and Fred Barnhart. The primary goal of the Committee is to ensure that the Loyola community has clear and current information about copyright and fair use so that faculty, students, and staff can make good decisions about how to use copyrighted material. As distance learning, online course management, and digital resources become more commonplace in higher education, it is even more important for the Loyola community to have strong understanding of what can and cannot be done with the material. Faculty responses to the copyright survey last year underscored the fact that while many of the traditional areas of copyright are fairly well understood by faculty, there are still gray areas

that need clarification, in particular those related to digital content.

To that end the Committee is looking at the information currently available at Loyola through various departments and webpages, and suggesting revisions to make the information more consistent and current. The Committee is also planning educational programs for the coming year, such as through Focus on Teaching and Learning and ITS Tech Day, in order to disseminate information regarding copyright law and fair use. In recognition of the fact that copyright sometimes contains gray areas that may require more nuanced answers, the Committee also intends to provide a single "go to"

webpage for Loyolans to request help for the tougher problems. The Committee is composed of the following representatives from various departments: Fred Barnhart, *University Libraries*; Mary Donnelly, *Office of Research Services, Stritch School of Medicine*; Sarah Dysart, *Faculty Center for Ignatian Pedagogy*; Elizabeth Ellis, Dr. Gregory Gruener, *Stritch School of Medicine*; Jean Gudenas, *Health Sciences Library*; Katie Hession, *University Marketing and Communication*; Prof. Cynthia Ho, *School of Law*;

Continued on page 3



GREETINGS FROM THE DEAN



DEAR FRIENDS AND COLLEAGUES,

Welcome to the spring 2013 edition of the University Libraries Newsletter. As in the past, we include many news items and articles of interest to Loyola faculty and Friends of the Loyola University Chicago Libraries. We survived a busy fall semester, had a welcome holiday break, and now things are buzzing again on all three Chicago campuses.

The Libraries spent much of the past six months recruiting, hiring, and promoting librarians. After three years of stability among the library faculty, last summer we saw several vacancies within the librarian and archivist ranks at Loyola. By the time you read this (mid-March), we will have six new library faculty members: Director of the Women and Leadership Archives; Interlibrary Loan Librarian; Digital Services Librarian; Digital Resources Reference Librarian; Media Services Librarian; and Business and Communications Reference Librarian. Some of these persons are already in place and you can read about them elsewhere in this issue. It is exciting to welcome so many new colleagues and their new ideas to our team.

A project is underway to create more quiet study space on the lower level of Cudahy Library. While in general we receive positive feedback from our users about our facilities, one recurring request is prominent, the need for more quiet study space. To address this need, we are moving many of our little-used bound periodicals from the lower level of Cudahy to off-site storage. Shelves will be removed in that space and study desks will be placed in a number of locations in the new "quiet reading area." This effort is possible thanks to funding we received last summer from the University to install additional compact shelving in the Library Storage Facility in the lower level of the Sullivan Center.

On February 26, the Friends of the Loyola University Chicago Libraries Speaker Series featured Dr. Robert Lombardo of the Criminal Justice Department who spoke on his book about organized crime in Chicago. The second annual Terry Lecture will take place on April 24 in the Klarchek Information Commons and will feature Chinese-American author Anchee Min. Ms. Min has written several historical novels including her latest, *Pearl of China*. I invite all of you to attend what promises to be an entertaining program.

In our previous issue, I reported that long-time staff member Bonnie McNamara passed away on July 23, 2012. We have established a book fund in her memory and invite any interested person to contribute to it. We will use the money to buy books in the areas of her great passion: wildlife, nature, and the environment. Call the library administration (773-508-2641) for more information.

It will be another busy semester. I hope to see you using our excellent collections and facilities and attending our many cultural and academic events in the months to come.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Seal". The signature is fluid and cursive, with a large initial "R" and "S".

Robert A. Seal
Dean of University Libraries

SHELF LIFE

Robert A. Seal
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Jamie MacDonald
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Laura Berfield
Layout

Shelf Life is produced twice a year for faculty and friends by the University Libraries, Loyola University Chicago, 1032 West Sheridan Road, Chicago, IL 60660. Questions or comments may be directed to libwebber@luc.edu. Back issues of the newsletter are available at LUC.edu/libraries.

Creating quiet study space in Cudahy

By Jen Jacobs

As part of our ongoing efforts to improve the Loyola student experience, Cudahy Library is taking steps to make its lower level more conducive to quiet study. At present, journal back files occupy nearly the entire floor, and many are duplicated in our online collections. By removing duplicates and relocating portions of this collection, our goal is to create an additional 2,500 square feet of quiet study space that will accommodate approximately 60 individuals at any given time.

Journal issues published prior to 1989 in the call number range Q-TP will be moved to the Library Storage Facility in Sullivan where they will be available for casual browsing, circulation, or online request via the library's document delivery service. In addition, journal issues published before 1999 that are available in JSTOR will be withdrawn. JSTOR is a reliable digital journal collection to which the University Libraries retain permanent access. In the event that the electronic version is unable to meet a research need, Loyola affiliates also have access to the Center for Research Library's JSTOR print archive.

The new study space will be available for use by fall 2013. We are confident that it will make Cudahy Library a more enjoyable place to visit and have a positive impact on our students.



For more information about document delivery, please visit libraries.LUC.edu/ill
For more information about CRL's JSTOR archive, please visit delivr.com/1ma1h

Sustainability in the Libraries

By Kim Medema

The Loyola Libraries are committed to supporting the university's sustainability initiatives. Our Klarchek Information Commons is silver-level LEED certified. We partner with campus groups such as Golden Key Society to collect unwanted textbooks at the end of each semester. Our Lake Shore staff even participates in a campus-wide composting program, diverting our lunch room waste from landfills and raising awareness about food systems. These are all actions that have a positive impact on our local and global environments. But in true library fashion, we also offer resources to help Loyolans green their lives.

Do you need to print a lengthy document? All of the library's public printers default to two-sided printing. We also

collect batteries and small electronics for recycling; collection bins are located in both Cudahy Library and the Information Commons. Check the Information Commons calendar for details of upcoming environmental films screened in partnership with the Office of Sustainability, or browse our DVD collection on Cudahy's first floor for environmental films that you can watch in the comfort of your own home. In addition to academic books about sustainability, we have gardening books, vegetarian cookbooks, and other green-themed books in our collection. We also have a resource guide to green technology, phone apps, and other topics available on our website. Check it out at: libguides.LUC.edu/noimpact

Copyright continued from page 1

Jim Pardonek, *Information Technology Services*; Lucy Robbins, *Law Library*; Carol Scheidenhelm, *Faculty Center for Ignatian Pedagogy*; Ursula Scholz, *University Libraries*; William Sellers, *Office of Research Services*; and Teri Thompson, *University General Counsel*.

Watch for more information about educational information and programs from the Copyright Committee in the coming year.

Further reading on copyright and fair use:

Georgia State University case

• Brandon Butler, Association of Research Libraries

delivr.com/1mkqk

• Kevin Smith, Duke University

delivr.com/1mkql

HathiTrust case

• James Grimmelman, New York University

delivr.com/1mkqn

Consortia & collaborations

By Kathy Young

Consortia

For the past several years the Loyola Libraries have been involved in two local consortia and one national consortium which provide researchers with new ways to locate resources relating to Chicago African-American history, Chicago history, and Catholic history. These consortia are the Black Metropolis Research Consortium (BMRC), the Chicago Collections Consortium (CCC), and the Catholic Research Resources Alliance (CRRA).

The Black Metropolis Research Consortium was formed in 2005 as a Chicago-based association of institutions with major holdings of materials documenting African American and African diasporic culture, history, and politics specifically focused on materials relating to Chicago. Loyola has been a member of BMRC since its founding. For the past several years the BMRC has surveyed members' holdings and '2nd Space' holdings (small local historical societies and other organizations with pertinent collections) to locate and document important collections. The end result of this survey was the creation of a survey database and portal that can be accessed by researchers looking for resources on African-American Chicago history. The portal is available at bmrcsurvey.uchicago.edu. With the completion of the survey the BMRC has now moved onto assisting member institutions in processing and making available previously 'hidden' collections. This is made possible by a grant from the Council on Library and Information Resources. The result of this project is more collections available for research. Finding aids for these collections can be found at bmrcprocessingproject.uchicago.edu.

The Chicago Collections Consortium was officially formed in 2012 after several years as an informal collection of institutions. Loyola has been involved with the consortium since its beginning. The goal of this consortium is to promote public and scholarly interest in the study of Chicago's diverse history. CCC members consist of libraries, institutions, and other organizations that have archives with holdings relating to Chicago history. Currently members of the consortium are working on building a portal that will provide researchers a single place to find information about collections pertaining to Chicago history. Information about



the CCC can be found at

chicagocollectionsconsortium.org.

The Catholic Research Resources Alliance has been in existence since 2008. Based at the University of Notre Dame, it consists of institutions across the United States and Canada which are interested in creating global access to Catholic resources in the Americas. Loyola has been a member of the consortium since 2009. Since its inception, the CRRA has been building a portal that will provide access to rare, unique, and uncommon Catholic resources by providing one place to find records for these resources. It has also begun a project to digitize Catholic newspapers and provide the digital versions to scholars for research. More information on CRRA can be found at catholicresearch.net/cms.

Collaboration

The Loyola Libraries recently completed another purchase with the Newberry Library as part of the Newberry's joint acquisition program. Through this program the Loyola Libraries have been able to expand the number and type of rare materials available to faculty and students for study. Among the items acquired are Jesuitica pieces, books by Erasmus, and a manuscript choir book. This program has been beneficial to both Loyola and the Newberry and we look forward to continued participation.

Image: Cantorinus, Calendar and Antiphony for Carthusian use

Items purchased through the Newberry Library joint acquisition program:

2012

Cantorinus, Calendar and Antiphony for Carthusian use (Northern Italy, ca 1597)

2011

Erasmus. *Ein nützliche underweisung eines Christlichen fürsten* (Zurich, 1521)

Erasmus. *Opuscula praecatio ad Iesum* (Venice, 1524)

2008

Typus Religionis (Netherlands, ca. 1570-1580). Engraving (painted).

Recueil A-Z (Luxembourg, etc. 1745-1762)

Typus Religionis (Paris, ca. 1763). Engraving.

Lombard. Theses (Reims, 1738). Broadside.

Pyramide (S.I., 1595?). Broadside.

New e-resources

Find all of these e-resources at libraries.LUC.edu/databases

By Sherri E. Rollins

BrowZine works by organizing articles found in open access and subscription databases, uniting them into complete journals and then arranging these journals on a common newsstand. The result is an easy and familiar way to browse, read, and monitor scholarly journals across the disciplines on a tablet format.

Current Digest of the Chinese Press is a weekly publication from East View Press; it offers a broad-survey, comprehensive understanding of current events and happenings as reported by mass media in the People's Republic of China.

Revue d'Histoire Ecclésiastique presents articles covering the entire history of Christianity. All of these articles are based on original source research and often develop innovative aspects in the area of historical methodology. They are published primarily in French and English, and occasionally in German. Besides its articles, the Revue offers readers recensions of recent books dealing with Church history in the form of critical reviews or brief descriptions.

Statista gathers statistical information on over 600 industries from over 10,000 different sources, such as market researchers, trade organizations, scientific publications, and government sources.

Anchee Min: featured speaker at second annual Terry Lecture



By Jane Currie

Writer Anchee Min will share her life and work during the second annual Gregory and Rosalind Terry Lecture on Wednesday, April 24, at the Klarchek Information Commons on the Lakeshore Campus at 7 o'clock.

Min published her first memoir, *Red Azalea*, in 1994. *The New York Times* included it on its list of notable books the same year. Min followed *Red Azalea* with six novels, including her most recent work of fiction titled *Pearl of China* (2010). Min contributed to a study of Chinese propaganda posters in 2003. With the May 2013 release of *The Cooked Seed: A Memoir*, Min returns to her own story.

Chicago was Min's first home after leaving China. She credits our city with giving her "the nerve to dream." She learned English only after promising admissions staff at the School of the Art Institute of Chicago that she already knew the language. This act got her to America but meant she left the school not long after beginning her studies. Many jobs followed, as did hours of watching *Sesame Street* and *The Oprah Winfrey Show* to learn English. She eventually returned to the Art Institute to complete a Master of Fine Arts degree. Today Min lives near San Francisco. We eagerly welcome her back to "her cradle," Chicago, and to Loyola University Chicago.

A list of Min's books, all of which are in our collections, can be found by going to:

LUClibrary.worldcat.org/profiles/jcurrie/lists/3074561

APRIL

24

Anchee Min

7:00 p.m.

Klarchek Information Commons
Lake Shore Campus

Meet our newest staff members

Nancy Freeman

Director of the Women and Leadership Archives

I started at Loyola in March 2013. Prior to coming to Loyola, I worked for twelve years as Records Manager/Archivist at the National Wildlife Research Center, a wildlife research facility for the USDA, in Fort Collins, Colorado. While I've lived in Colorado for fifteen years, first to attend graduate school and then to work in the archival profession, I'm a Midwesterner at heart, having lived in Iowa for 35 years. I'm a passionate knitter and love to create fun, interesting items, including toys and dolls for my seven year old daughter.



Margaret Heller

Digital Services Librarian

I started at Loyola in early January 2013 as Digital Services Librarian. For the past four years I worked at Dominican University, where I started after graduating from library school at the University of Illinois. In my spare time, I volunteer with and serve on the board of the Read/Write Library Chicago, which is a collection of small press and independent works associated with Chicago. And, somewhat stereotypically, I dote on my two cats.

Will Kent

Reference and Electronic Resources Librarian

I started working at Loyola in January 2013. Before this I worked at University of Illinois at Chicago and Chicago Public Library doing student outreach and digital literacy instruction, respectively. I recently graduated from University of Illinois where I received an MLIS and a certificate in Community Informatics. My favorite streets to bike down are Elston, Lake, and Grand. Join me!



Jen Stegen

Interlibrary Loan Librarian

I returned to Loyola in November 2012. I have a BA '96 from Loyola University Chicago and an MLIS '03 from Dominican University. I started working for Loyola in 1996 and was the Interlibrary Loan Librarian in 2006-2008. For the last few years, I have been home full-time with my four children who range in ages from twelve years to seven months. I'm thrilled to be back as the Interlibrary Loan Librarian and working with such a wonderful community. In my spare time, I enjoy collecting Fiestaware, gardening, and speed walking.

Congratulations to recently promoted staff

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Laura Berfield

Associate Librarian
Elise Aversa
Jane Currie
Chulin Meng
Sherri Rollins

Senior Librarian
Ling-li Chang
Martha Spring

Director of the Information Commons
Jeannette Pierce

Assistant Dean for Technical Services and Planning
Anne Reuland

Director for Administrative Services
Jen Jacobs

Head of Reference Services
Niamh McGuigan

Circulation Services Supervisor
Karen Cherone

Preservation Associate
Kate Dunn



The Bonnie M. McNamara Book Fund

The Bonnie M. McNamara Book Fund was established to honor her memory and 27 years of service at Loyola's library. The fund will be used to purchase books on nature and the environment, topics of importance to Bonnie.

To donate, send a check to Carol Franklin, Library Administration, Cudahy Library, 1032 W. Sheridan Road, Chicago, IL 60626.

To give online, go to LUC.edu/LibrariesGiving. Click on the drop-down menu under *Available Programs* and select the Bonnie M. McNamara Fund, and go from there.

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