

Amended October 13, 2011

The fourth meeting of the Committee of Six for the academic year 2011-2012 was called to order by President Martin in her office at 3:30 P.M. on Monday, September 26, 2011. Present were Professors Basu, Ferguson, Hewitt, Loinaz, Ratner, and Umphrey, Dean Call, President Martin, and Assistant Dean Tobin, Recorder.

The meeting began with the Committee reviewing its meeting schedule and agreeing to hold some additional meeting times during the fall. Dean Call informed the members that the Committee on Educational Policy (CEP) and Paul Murphy, Legal and Administrative Counsel and Special Assistant to the President for Diversity and Inclusion, would be available to meet with the Committee on October 3 for discussion on the topic of building a more diverse Faculty. At the conclusion of that conversation and following the departure of the CEP, Mr. Murphy could remain at the meeting to speak with the Committee, prior to personnel discussions, to provide general legal advice related to the tenure and reappointment processes. James E. Wallace, Jr., who served as an attorney for the College for many years and who has performed this function in recent years each fall, passed away in 2010. Mr. Murphy, who participated in this discussion last year with the Committee and Mr. Wallace, has now taken on this role. The Committee agreed to the schedule for its next meeting, as outlined by the Dean, and looked forward to having the colleagues from the CEP and Mr. Murphy join the meeting of October 3. The Committee then turned briefly to a procedural matter.

Dean Call next asked if Jim Brassord, Director of Facilities and Associate Treasurer for Campus Services, could attend Faculty Meetings as an invited guest during this academic year, as the new science center project would be under discussion. The members agreed that Mr. Brassord should be invited to attend meetings regularly during 2011-2012.

Returning to the Committee's question of the previous week about the agenda that the Committee on Priorities and Resources (CPR) has set for this year, the Dean said that the CPR had now had its first meeting and had decided that it will investigate the possibility of extending to all eligible parents at the College a benefit equivalent to the more generous family leave benefit (currently available only to faculty parents of a newborn who are eligible for a medical leave) of a full semester at 100 percent salary with no teaching responsibilities, which was approved last year. (See [https://www.amherst.edu/academiclife/dean\\_faculty/fph/medparsummary](https://www.amherst.edu/academiclife/dean_faculty/fph/medparsummary) for a summary of the basic provisions of the current medical leave and parenting leave policies.) The CPR expects to review the family leave policies of peer institutions and the costs of extending the College's new policy to all parents, as part of its assessment of this issue. The Dean noted that, in particular, the CPR plans to discuss how the structures that are unique to faculty and staff work schedules might be considered if the policy is adjusted.

Continuing with his report back to the Committee on the CPR's agenda, Dean Call informed the members that the CPR had also discussed the possibility of conducting a campus climate survey, for the purpose of getting a better sense of the working conditions/environment at Amherst. The President, the Dean, and the Committee raised questions and concerns about the project and felt that clarification would be needed in order to make a decision about whether it should move forward. The members wondered about the reasons for doing a survey at this time and its goals, as well as the origin of the proposal. Dean Call said that it is his understanding that the Department of Human Resources had brought the idea for the survey forward last spring. Other questions centered around the potential costs of the survey, who would be responsible for designing the instrument, which campus constituencies would receive the survey, possible uses for the results, and whether peer institutions may regularly conduct such surveys and find them useful.

Amended October 13, 2011

Professor Basu suggested that, if long-range planning efforts move forward, the survey might represent a duplication of effort. If the decision is made to do the survey, she wondered if it should be guided by and/or integrated into the long-range planning process. Dean Call commented that the details of the project have not been fully discussed or worked out, but he said that, if an outside firm were to be engaged to design and conduct the instrument, the costs could be substantial. It was suggested that information gathered through the survey could be useful when addressing other issues that might be identified in the future. Professor Loinaz asked why this project was being considered by the CPR. He wondered whether the decision to undertake the survey was within the purview of the Department of Human Resources and/or Institutional Research. The Dean speculated that the committee's interest may stem from the idea that the survey could inform choices that would have financial costs to the College and that the capacious nature of such an effort would mirror the work and make-up of the CPR. He reminded the members that faculty, students, administrators, and staff serve on the committee. President Martin, noting the specificity of the Faculty's work life, wondered about the usefulness of using a single survey for the full range of campus constituencies. The members agreed. Professor Hewitt said that, when data are gathered, perhaps through the survey or through the long-range planning process, it would be important to learn more about the impact that joint appointments have on the family life of those appointed under this structure. She noted that there seem to be significant challenges associated with it. Professor Basu asked that the survey explore the different challenges that male and female faculty encounter around work/life balance. President Martin suggested that, for now, the survey be put on hold, so that consideration can be given to this effort within the context of the long-term planning process. She noted that the Board chair has indicated his support for having a long-range planning process. The members then turned to a personnel matter.

Under "Announcements from the President," President Martin said that the Dean and she would like to pursue further conversation about building a more diverse Faculty. The President mentioned that she had been impressed with a t-shirt that said "Diversity: The Art of Thinking Independently Together," which had been designed by Amherst students, and which she had seen at the Diversity Open House breakfast on September 26. President Martin spoke at the event. To communicate with the Amherst community about issues surrounding diversity and other topics of significance, and to encourage dialogue, the President said that she would like to explore vehicles other than minutes, including but not limited to letters and open meetings. She feels that these formats will enable her to provide more detail and depth than is possible in minutes.

President Martin noted that planning is under way for the meetings of the Trustees that will be held October 14-16. The President said that arrangements are being made for the Trustees to have dinner with the Committee of Six, the CPR, the CEP, and Senior Staff. President Martin commented that she would like to encourage more interaction between the Board and members of the Faculty and senior administration. In her view, the work of these constituencies will be enhanced if individuals get to know one another under circumstances that encourage more casual interactions and ongoing conversations. At present, it was noted, the Faculty and Senior Staff's gatherings with Trustees are limited to more formal, governance-centered interactions. Professor Basu asked how it is determined when members of the administration, for example, the Associate Deans of the Faculty, attend Trustee meetings, noting that practice has varied over the years. The Dean responded that the President and the Chairman of the Board have made such decisions and that practice has evolved over time. He has the sense that, in the past, the Board had spent more time with faculty members, while noting that the Board has been engaged in recent years in conversations that have focused on financial and

Amended October 13, 2011

facilities issues. In addition, in recent years, the Board has been holding a number of meetings off campus at cities throughout the country, in order to coordinate the Trustees' with events that are held for local alumni. In an effort to keep travel costs down, the number of administrators and faculty members who attend Trustee meetings has been kept to a minimum, and faculty have been asked to participate in Trustee meetings in conjunction with talks that colleagues are giving at alumni events. Dean Call commented that the Board meets each spring with the major faculty committees. Professor Umphrey said that she would favor having more opportunities for the Board and the Faculty to interact, as a means of learning more about their respective roles. President Martin suggested that, when the Instruction Committee is on campus for Board meetings, it might be fruitful to invite its members to visit departments and/or academic facilities as another means of encouraging Faculty/Board interaction. The Dean expressed his support for this approach, commenting that it would expose the Trustees to a wider range of Faculty and vice versa.

Continuing the conversation, President Martin asked if presentations about the nature of Board discussions that have been offered by the President at Faculty Meetings have been well received. Professor Ratner responded that the Faculty has welcomed such reports. President Martin noted that she envisions a long-term planning process that would encourage the engagement of Trustees, alumni, faculty, students, and staff with the issues, and one another. The President, the Dean, and the Committee discussed how best to create opportunities for meaningful interaction and communication between the Board and the Faculty, while sustaining an appropriate sense of the areas in which each has primary responsibility. Further conversation focused on the role of the administration as an intermediary between the campus community and the Board and the governance role of the Trustees. The Board, it was noted, has responsibilities in the areas of fiduciary and policy matters, but would not choose to engage in the day-to-day management of the College. President Martin said that it will be important to assess different formats of interaction and communication with the campus and the Board, and to make adjustments, when necessary.

President Martin commented that, as a general matter and to inform the process of setting the agenda for the Trustees, she has asked the Senior Staff to be thinking in more proactive and anticipatory ways about issues facing the College, in particular, and higher education, in general. She feels that the College's ability to respond to significant developments within higher education will be strengthened in this way.

Under "Questions from Committee Members," Professor Basu reiterated that she feels that it is important that upcoming discussions about building a more diverse Faculty include consideration of the issue of hiring and retaining women Faculty. She proposed that the Dean gather comparative data from peer institutions on this issue, and he agreed to do so. Professor Loinaz asked if data were available on the make-up of the staff, and he asked if there were conversations about the diversity of the staff that were akin to those about the diversity of the faculty and the student body. The Committee asked about recruitment efforts that might be in place to shape a more diverse staff. Dean Call responded that national searches, which attract broad applicant pools, are conducted for some administrative positions, and that the scope and responsibilities of the position determine the approach to the search. He noted that the College is trying to enhance its efforts to build diversity in all areas and said that he would ask Marian Matheson, Director of Institutional Research and Planning, to gather some information about the make-up of the staff and administration at the College.

Continuing with questions from the Committee, Professor Ratner commented that, while the members had offered their endorsement at its last meeting for retaining the theme-based format of the Copeland Colloquium, they had not discussed some details. He wondered, for

Amended October 13, 2011

example, if the recommendations made by the committee (a subset of last year's members of the Faculty Research Awards Program) that had reviewed the program would be implemented. In particular, Professor Ratner asked if themes would be selected earlier than they have been, to afford organizers more time to select fellows and plan programming. The Dean said that the request for proposals for the 2012-2013 Copeland themes would be sent in October, and that the theme would be selected earlier this year, if possible. Moreover, he would make efforts to have the theme for 2013-2014, and future themes, selected in the spring. Professor Hewitt asked if theme groups would be provided with increased administrative support. Dean Call responded that he would have conversations with theme groups about their budgets and how funding could be allocated for additional administrative support. Professor Ratner noted that the Committee that had reviewed the program had not been able to survey the impact of the Copeland Colloquium on the student body; he said that he would have liked to have learned how students view the program. Professor Ratner asked how this year's theme group, which is focusing on the theme of "The Future of the Humanities in an Age of Technics," would involve students, which he feels is an admirable goal. Professor Hewitt, who is a member of this year's theme group, said that her experience thus far suggests that the program will primarily benefit faculty and their scholarship. Dean Call commented that, while the primary goal of the Copeland Colloquium is to support faculty scholarship, it has also been the intention of each Copeland group to involve the Amherst community, including students, in the theme each year. He noted that this aspect of the program has been more successful during some years than in others.

On a related note, Professor Basu asked if it might be possible for the College to provide additional administrative support, perhaps under a centralized model, to departments for organizing lectures and conferences. She pointed out that some Academic Department Coordinators are asked to take on more responsibilities in this area than others, based on departmental needs. The members noted that Patricia Allen, who is a part of the Public Affairs office, organizes some events, but that her time is limited and her responsibilities are in the area of campus-wide public events, such as Commencement and Convocation and large lectures that have broad public appeal. She also coordinates public events for the Copeland Colloquium. The Dean said there would be significant budgetary implications associated with creating a new position to coordinate conferences and lectures. President Martin responded that it might be useful to consider this issue in the context of discussions about ways to enhance faculty members' scholarly lives and research. With this issue and others, it will be important to know more before assessing what the trade-offs would be and allocating resources in ways that will have the most impact, she noted.

The Committee next discussed a draft Faculty Meeting agenda for a possible October 4 meeting and decided that there was insufficient business to have a meeting on that date. In addition, the Dean noted that open meetings about the new science center are planned during the week of October 3; he expressed some concern that having those meetings and a Faculty Meeting during the same week might diminish attendance at all of the meetings. The members agreed that it would be best to have the next Faculty Meeting on October 18. In considering the agenda for October 4, which included reports from administrators, the members discussed alternative ways of sharing such reports with the Faculty. The members agreed that committees and individuals who wish to make reports might reference significant issues on the agenda and could, perhaps, post written summaries prior to Faculty Meetings. These reports could then be available to receive questions at the meeting. The President, the Dean, and the members felt that this structure would be efficient and provide opportunities for reflection before Faculty Meetings, which could inform conversation during the meetings. In a related matter, Professor Hewitt said that she had been asked by a colleague to request that the Dean and the President use

Amended October 13, 2011

microphones at Faculty Meetings, as it has been difficult to hear them at times. The Dean and the President agreed to do so.

Continuing the discussion about Faculty Meetings, the Dean asked the members for their views about the possibility of having the Faculty vote on course proposals electronically. He noted that faculty members now review all course proposals electronically, rather than in hard copy, and that more flexibility when scheduling Faculty Meetings would be possible if it were not necessary to have Faculty Meetings for the purpose of approving course proposals. Faculty, perhaps, would not have to indicate a vote. They could be expected instead to review the proposals, course-by-course, as they do now, by a set deadline, and could then be asked to forward any questions to the Dean, who could share them with the Committee of Six. He noted that questions about course proposals have rarely been raised by the Faculty in the past. The members noted that there are numerous layers of review (at the department level, the CEP level, and the Committee of Six level), before the proposals are forwarded to the Faculty.

Professor Ferguson said that he would favor the approach of having faculty review the course proposals online. It could be presumed that they had been approved unless questions were raised. Other members wondered how often Faculty Meetings are held for the sole purpose of approving courses. They noted that it is possible to have students register for courses before the Faculty has voted on them, if the CEP and Committee of Six have approved the proposals and the designation, "Pending Faculty Approval," is used. Professor Umphrey said that she would prefer not to switch to an electronic voting system, feeling that it would be unwieldy and that it would burden the Faculty. She noted the value of having regular Faculty meetings and commented that the nominal purpose of the first, largely ceremonial Faculty Meeting that is held on Labor Day is to approve courses. However, she feels that it also serves as a means of reconstituting the community after the summer hiatus and faculty return from leaves. While the vote on course proposals at Faculty Meeting may also be largely symbolic, Professor Umphrey noted, she sees value in the symbolism of the Faculty, as a collective, taking responsibility for the curriculum. Professor Umphrey and Hewitt supported having a number of layers of approval before the proposals reach the full Faculty, noting that these reviews provide opportunities to ask questions and catch errors. Professor Ratner wondered whether having departments and the CEP review the proposals before they are brought to the Faculty might be sufficient. Professor Ferguson noted that voting online would relieve the pressure to have a Faculty Meeting for the sole purpose of approving courses. Professor Loinaz, who said that he did not have a strong preference for how the Faculty approve courses, noted that the *Faculty Handbook* contains the following [reference](#) (IV, R., 3.): "During the academic year the Faculty holds at least three stated meetings which take place in the Converse Auditorium: one at the opening of College, one before spring vacation for the approval of new courses or changes in courses for the coming College year, and a meeting immediately before Commencement."

Turning to the broader issue of the rationale and goals for Faculty Meetings and questions that focused on their structure, Professor Umphrey advocated for having regular Faculty Meetings, commenting that in some years there are many more meetings than in others. Prior to the meeting, she shared with the members models for Faculty Meetings at peer institutions. The Dean noted that some colleagues maintain the view that Faculty Meeting should not be held unless there are action items on which to vote, while others favor having meetings for the purpose of having discussions about important issues. Several members noted that, if meetings occur only when there is business, the result is a sporadic meeting schedule. Professor Ferguson suggested having several stipulated meetings for ritualistic purposes, perhaps at the beginning and end of the semester, with other meetings held only when there are action items. The members asked for the President's views. She said that she would be in favor of the model

Amended October 13, 2011

proposed by Professor Ferguson, noting that it is desirable not to take up too much of the Faculty's time with Faculty Meetings that do not require some action, just for the sake of having Faculty Meetings. On the other hand, she said she is eager to have opportunities to discuss issues with the Faculty, perhaps in other formats and in venues other than the Red Room.

Continuing the conversation, Professor Ferguson noted that the formal rules that govern discussion and the legislative ambiance of Faculty Meetings do not facilitate open, substantive discussion and respectful exchange. He commented that Faculty Meetings often become bogged down with meta-exchanges about procedures and rules; he favors supplementing Faculty Meetings with other kinds of meetings that foster discussion. Professor Umphrey commented that rules are meant to facilitate orderly conversation, while adding that it may be that some conversations benefit from them more than others. Professor Ratner asked if the committee-of-the-whole format at Faculty Meetings could be a vehicle for open discussion. The Dean suggested that, if Faculty Meetings are alternated with other meeting formats, it would be useful to announce the dates for formal Faculty Meetings and to adhere to these dates. Professor Basu agreed, favoring the idea that there would be an expectation that Faculty Meetings would be held and Faculty would be aware, well in advance, of when the meetings would take place. She also supported having more forums for discussion and having Faculty Meetings, for the most part, when decisions are needed. Dean Call said that he would favor a rhythm of deliberations that would be structured first as open discussions and then, a month later, at Faculty Meetings, where discussions become more formalized and oriented toward decision making. Professor Ferguson said that the choice of topics for open discussions would be important, as the issues would have to engage the Faculty. The members agreed that the question of how to build a more diverse Faculty and the associated topic of how departments request and search for colleagues would engender the type of discussion being envisioned. President Martin said that it would be fruitful to have the Faculty discuss issues that would be part of the long-range planning process, enriching the plan through the expression of faculty perspectives. The members agreed that a viable and desirable format for some discussions would be Friday lunch meetings, perhaps from noon to 1:00. A small-group format would offer different possibilities for exchange than the committee-of-the-whole structure, most members agreed. It will be important to assess which format would be the most beneficial, depending on the issue under consideration and the type of discussion that would be most informative, it was agreed. At times, there could be a combination of both structures. The members stressed the importance of having the President and the Dean present, no matter what approach is taken.

Turning to the [report of the Task Force on Copyright, Reserves, and Coursepacks](#), the Committee focused discussion on two questions raised by the report—the use of technology in the classroom and questions of open access. Professor Umphrey expressed concern that the Committee was not asked to, and hence the report does not address the costs, which may be substantial, of providing iPads, training Faculty to use them, and putting new programs and infrastructure in place to make use of technology. While interested in using technology to enhance teaching, she nevertheless expressed some concern about how it can affect the classroom environment and the ways in which it can interfere with pedagogy—a problem that the Committee also raised, but one to which in the end it seemed resigned. Teaching faculty how to use technology well will be critical, she noted. Professor Ferguson said that he has found that classroom management efforts can overcome many problems associated with the use of technology in the classroom, which he said is the wave of the future. The Dean agreed that integrating technology and pedagogy has become a necessity and that doing so is of benefit to students, who rely on technological tools now and will do so in the future. Professor Hewitt noted that additional resources may be needed to ensure that technology can be used effectively,



Amended October 13, 2011

offering the example of ensuring that scans of scholarly work are provided to Faculty for their courses in a format that makes it possible to annotate the documents electronically and to search them as a means of reading texts closely. In regard to the issue of open access, the members favored exploring this avenue. Professor Ratner noted that, last spring, the Library Committee had proposed that the Committee of Six charge a task force with investigating the feasibility and advisability of crafting an open-access resolution, and, if such work were found to be both feasible and advisable, crafting a resolution for discussion and vote by the Faculty. The Dean said he would place this issue on the Committee's agenda for an upcoming meeting.

The meeting adjourned at 6:15 P.M.

Respectfully submitted,

Gregory S. Call  
Dean of the Faculty

## **Report of the Task Force on Copyright, Reserves, and Coursepacks April 4, 2011**

### ***The Charge***

In the spring of 2010 the Committee of Six created a task force to examine and evaluate current policies affecting and affected by copyright law, course reserves and coursepacks. Its charge was as follows:

The Committee of Six, based on the recommendation of the Committee on Priorities and Resources (CPR) in its spring 2010 report, charges the Copyright, Reserves, and Coursepack Task Force with making recommendations of College policies and procedures regarding the use of works covered by copyrights, and the assignation of relevant fees (between the College and students). The task force should review and assess costs associated with copyright permissions (both in hard copy and electronic form) and with the duplication of course-related materials, while simultaneously addressing the pedagogical requirements of the Faculty. Any recommendations should be informed by options for interpreting Fair Use. The Committee additionally charges the task force with examining best practices at other institutions.

### ***Background***

#### *Copyright Permissions and Fair Use: The Law*<sup>1</sup>

The author or publisher of a given work often holds the copyright to that work. Those who wish to duplicate or modify copyrighted work must seek the author's or publisher's permission. Most publishers charge a fee in exchange for granting such permission.

Works published before 1923 have entered the "public domain" and are no longer subject to copyright protection in the United States. As a result, these works may be freely duplicated.

Some works published after 1923 also do not enjoy copyright protection. A complex series of statutory provisions governs the status of these works.<sup>2</sup>

The Copyright Act (17 U.S.C. §101 et seq.) provides several exceptions that obviate the need to seek the copyright holder's permission before reproducing work still under copyright protection. One such exception is Section 107 of the Copyright Act (17 U.S.C. §107), commonly referred to as the "Fair Use" exception. (See Appendix H for the text of Section 107.) Because Section 107 outlines "factors to be considered" rather than clear rules for determining what constitutes Fair Use, institutions of higher learning across the nation have, over time, interpreted Fair Use in quite different ways.<sup>3</sup> And given the absence of clear guidelines, such interpretation

---

<sup>1</sup> A good summary of copyright issues for college faculty is *Know Your Copy Rights: Using Works in Your Teaching—What You Can Do; Tips for Faculty & Teaching Assistants in Higher Education* (Association of Research Libraries, 2007), <http://www.knowyourcopyrights.org/bm~doc/kycrbrochurebw.pdf>.

<sup>2</sup> For a summary see *Copyright Term and the Public Domain in the United States* <http://copyright.cornell.edu/resources/publicdomain.cfm>

<sup>3</sup> Various commentators feel copyright laws should be more limited and fair use more broadly interpreted. See, for example, Lawrence Lessig, "Does Copyright Have Limits? *Eldred v. Ashcroft* and its Aftermath"



has sometimes been influenced by the need to balance the cost of obtaining permission against the risk and potential liability for not obtaining such permission.<sup>4</sup>

### *Source of Costs – A Short History*

As at our peer institutions, faculty at Amherst have long placed texts and other materials on reserve in campus libraries, while simultaneously gathering copies of required readings into multiliths or coursepacks for sale to students. When Academic Department Coordinators (ADCs), librarians, or faculty members (depending on departmental custom) determined that Fair Use or some other exception did not apply to assigned readings (that is, when they decided it was necessary to seek permission from the author or publisher), the Office of the Dean of the Faculty paid the permission fees demanded by the authors or publishers. In other words, although students absorbed the cost of copying and binding pages in coursepacks, the Office of the Dean of the Faculty covered fees charged for the right to include that material in coursepacks.<sup>5</sup>

ADCs who assembled coursepacks increasingly and carefully applied for copyright permissions. Indeed, applying for copyright permissions began to constitute a significant part of ADCs' jobs as more responsibility shifted to them from faculty members and from Library staff.<sup>6</sup> Over twenty years (see Appendix A), the aggregate cost of copyright fees rose, especially as the College continued to be conscientious in seeking copyright permissions and conservative in its interpretation of Fair Use. The result was that Amherst filed more requests for copyright permissions than did many of its peer institutions. Our copyright costs almost certainly rose higher than those of our peers, as did the time and labor we invested applying for copyright permissions.

---

in *Open Content Licensing: Cultivating the Creative Commons* (Brian Fitzgerald ed., Sydney University Press, 2007). However, what constitutes "fair use" continues to be litigated. For example, Cambridge University Press, Oxford University Press, Inc. and Sage Publications, Inc. have brought a copyright infringement lawsuit against officials associated with Georgia State University in the United States District Court, Northern District of Georgia, for providing students access to copyrighted materials through electronic systems and the internet without obtaining permission from the copyright owner. This case was filed in 2008 and may go to trial later this year. See also, *Basic Books v. Kinko's Graphics Corp.*, 758 F. Supp. 1522 (S.D. N.Y. 1991) and *Princeton University Press v. Michigan Document Services, Inc.*, 99 F. 3d 1381 (6th Cir. 1996).

<sup>4</sup>In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. However, statutory damages will not be assessed against a college employee who is found to have reasonably believed that his or her use of the copyrighted work was fair use under Section 107 of the Copyright Act. See Section 504 of the Copyright Act.

<sup>5</sup> The costs of labor required to *gather* material into coursepacks—be it the labor of faculty members, librarians, or ADCs—was not included in the price of coursepacks. The cost for duplication, whether on-campus through the Office of Administrative Services (OAS) or off-campus through commercial services, *was* included in coursepacks. The duplication cost per page charged by OAS has not changed since 1986.

<sup>6</sup> Since the 1980s ADCs have sought copyright permissions largely through the Copyright Clearing Center, an online resource for paying permission fees. They also seek permissions by contacting publishers and authors directly, a very time-consuming process. (The Comptroller's Office helped establish a system to receive bills directly from the copyright holders and licensors.) The Library has historically employed too few staff to request copyright permissions for all readings assigned by faculty. When off-campus copy centers such as Collective Copies assembled and sold coursepacks, they sought permissions for a fee and then billed the Dean of Faculty.

In the past decade, Amherst continued to pay more and more for permission to use material not covered by licenses. (See Appendix A.) From 2002-2004 the Office of the Dean of the Faculty paid in the low \$200,000s each year. By 2005, the annual bill reached \$298,000. And by 2008 the Dean paid almost \$400,000 for one year's worth of copyright permissions. Our study lacks the scope to investigate the cause of this abrupt rise. We can only hypothesize about the factors involved, which may include higher copyright fees, more pages assigned to students, and more students in more classes with readings requiring copyright permissions.

As costs for printed coursepacks grew, it became more desirable and easier to link to materials online, which involved creating "electronic reserves" or "e-reserves." Hence the Library began to purchase more licenses for online texts and other materials. These licenses removed the need to file repeated requests for permission to reproduce individual items now covered by licenses. However, some departments may not have been aware of licenses that covered some of their course materials, resulting in the duplication of payments of copyright fees.

For items not available online, ADCs and Library staff began to scan printed documents and then upload these files as PDFs into the e-reserves system. The Office of the Dean of the Faculty paid copyright permissions for this uploaded material where necessary.

Since the licenses covered many of the readings required by science courses, departments in the sciences moved to electronic reserves more quickly and avidly than did some other departments. A study in the Fall of 2010 found that 74% of readings assigned in Amherst science courses were available online, while only 35% of humanities and 39% of social science readings were available online. (See Appendix I.) Thus coursepacks fell into disuse within the sciences, while remaining popular within large portions of the humanities and social sciences.

#### *Re-examining Principles and Practices after 2008*

Following the economic downturn of 2008, staff in the Office of the Dean of the Faculty began to meet with librarians and ADCs to discuss the costs and complexity of copyright permissions, while also making faculty members better aware of costs. Librarians realized significant savings by purchasing more licenses and expanding awareness of existing licenses; they and ADCs tried harder to find electronic versions of texts available through existing licenses. Linking to material covered by these licenses proved cheaper than producing printed coursepacks, since licenses for some of our online databases forbid including materials from those databases in coursepacks.<sup>7</sup>

Still, it became clear that the Office of the Dean of the Faculty's subsidy of permission fees needed a second look, and not simply because of rising costs. One unintended outcome of the ballooning subsidy was that the College increasingly and disproportionately subsidized the small number of departments that relied heavily on coursepacks, but it did not subsidize other departments that relied heavily on expensive textbooks and other materials.<sup>8</sup> A survey we

---

<sup>7</sup> In effect, the College often pays twice for material in printed coursepacks—once for the license and once for permission to print the text in hard copy; the College does not incur fees beyond the original license for e-reserve material that students choose to read online or to print for themselves in hard copy. Hence a number of faculty members agreed to use electronic reserves to avoid double billing.

<sup>8</sup> The largest beneficiaries of these subsidies were the Departments of Political Science, Anthropology/Sociology, and History, which, in FY08, spent, respectively, \$103,344.36, \$62,948.15 and \$57,966.67 (out of a total for all departments of \$399,635.35). Please see Appendix D for a breakdown of costs in one of these departments—Anthropology and Sociology.

conducted for this report found that students at many peer institutions (unlike students at Amherst) paid for copyright permissions, much as they paid for textbooks and other course materials. In other words, the costs of course materials fell more equally across various courses and majors at other schools. (See Appendix B and Appendix C).<sup>9</sup>

Thus, in June 2009, the Office of the Dean of the Faculty proposed to the Advisory Budget Committee that students pay the full costs of coursepacks, while providing additional aid to needy students and to those required to purchase materials costing more than \$1,000. (\$1,000 is the amount the College asks students and their families to budget annually for books and other materials.) The Dean of Faculty also agreed to subsidize, for the near term, coursepacks costing more than \$125.

The result: with much effort the College achieved significant savings.

Faculty, ADCs, and librarians also worked hard to reduce costs to students. In November 2009, the Library purchased an omnibus license from the Copyright Clearance Center (CCC), covering many more publishers than were covered by existing individual licenses. This omnibus license yielded immediate savings for students and for the Office of the Dean of the Faculty. And the CCC pledged to bring under its umbrella additional publishers that academic departments identify as important producers of literature used in their courses. Some faculty members agreed to try electronic reserves to minimize the costs of assigned readings; other faculty members who still valued coursepacks helped save money by reviewing their syllabi to ensure that all listed readings would, indeed, be covered in the course. Despite being short-handed, Library staff made a concerted effort to scan, upload, and catalog documents for faculty choosing to use e-reserves.

These efforts produced some efficiencies. For example, ADCs discovered that a PDF file scanned and uploaded for one course now resided in a database accessible to other ADCs and Library staff who could use that same file for another class without any additional time, effort, or expense. Unfortunately, the quality of the scanned materials varied considerably: most were of excellent quality, but others (due to poor equipment, improper settings, or poor training of those using the equipment) were difficult to read.

Consequently, staff in Frost and IT sought ways to make reading critically online an experience comparable to reading in hard-copy format. IT identified software that allowed students and faculty to read electronic texts much as they read texts printed on paper. ADCs and Library staff began to enable optical character recognition on scanned texts, thus permitting students and faculty to search for text within readings. IT also recommended mark-up tools that students could use on PCs, laptops, and iPads to underline, circle, notate, and bookmark electronic texts, and then bring the items to class on electronic devices or print the items to paper with all annotations. (See Appendix G.)

Such efforts produced cost savings in the aggregate, but change often proved cumbersome. Change also generated concerns and complaints. Yet, to the task force's surprise, nearly two-thirds of respondents (56 faculty members) to our faculty survey reported that they now use e-reserves. (21 of these faculty members also use coursepacks.) Only one-tenth of the respondents (9 faculty members) now rely solely upon coursepacks. (See Appendix F.)

---

<sup>9</sup> Out of the 30 Oberlin Group Colleges surveyed, students paid copyright fees at 11 institutions, the library paid fees at 5, departments at 5, students plus other entities at 1, and the administration at 1.

Still, not all of those who used e-reserves were content. Our task force originated in part to address these remaining problems and concerns.

### ***Work of the Task Force***

To evaluate Amherst's system of reserves, coursepacks, copyright practices, and permissions, the task force gathered facts and solicited views from a wide swath of the Amherst community and from those outside our community. We met with faculty, students, ADCs, and staff from the Office of Administrative Services, Information Technology, and the Library. We sent questionnaires to all Amherst faculty members (see Appendix F); we surveyed two groups of peer institutions (see Appendix B and Appendix C); and we invited two lawyers recognized as national experts in copyright law and higher education—Georgia Harper, Scholarly Communications Advisor at the University of Texas; and Kenneth Crews, Director of Columbia University's Copyright Advisory Office—to speak with us and the Five-College community.

### ***Concerns about the Status Quo***

#### *Complexity and Expense of Obtaining Copyright Permissions and Mounting E-reserves*

Some ADCs, Library staff members, and faculty members spend large amounts of time seeking permissions to reproduce texts and other materials. Completing CCC forms takes some time; applying for permissions to use material not covered by licenses takes a great deal of time.

Some Library staff members and ADCs devote considerable portions of their workday before the start of each semester scanning and uploading texts into the e-reserves system. Such work is particularly frenetic as classes approach, when an avalanche of requests from faculty tends to overwhelm a modestly staffed department. Even when ADCs scan files, Library staff must still determine whether the College can link to texts or other media licensed through the College or available without charge on the Internet. Library staff sometimes find it difficult to obtain syllabi from faculty in time to identify, scan, and upload the files listed on the syllabi before the semester begins. Of course faculty face pressures of their own when a new semester approaches. Library staff who process electronic reserves report that—even when syllabi do arrive on time—they must spend 20% to 50% of their time searching for material referenced by inaccurate or incomplete citations.

We heard praise from faculty about the system once the files are up and available, although some expressed concerns about the quality of scanned material.

#### *Expense and Convenience: Students*

Amherst students are not yet accustomed to the greater expense of coursepacks, despite Amherst's efforts, described above, to subsidize or cover such expense.<sup>10</sup> Despite coursepacks' considerable value—they offer carefully selected texts, packaged in an easily readable and easily transportable form, which both faculty and students consider convenient, uncomplicated, and reliable—the sticker shock remains great. Such shock might be ameliorated if Amherst could spread copyright expenses more evenly across the student body. This would be difficult, however, since, in the interests of equity, the College would then need to include copyright expenses and the costs of all textbooks and other course materials within the tuition fee. Our community is

---

<sup>10</sup>[https://www.amherst.edu/media/view/201844/original/Notes\\_Concerning\\_2010-11.pdf](https://www.amherst.edu/media/view/201844/original/Notes_Concerning_2010-11.pdf)

probably unwilling to countenance such an expense, and we would be alone among our peers if we attempted this practice. We hope the student body will come to accept the price of coursepacks, especially after students accustomed to the old system graduate. But for now, coursepacks strike students as expensive, especially in comparison to published books.

Amherst students' attitudes towards e-reserves are complex. Our informal survey indicates that they appreciate the ease of reading coursepacks, marking them up, and carrying all relevant material in one bound volume—but only if the coursepacks do not cost significantly more than e-reserves. Of the forty-seven students we questioned, only three preferred a hypothetical coursepack to e-reserves if that coursepack cost \$30 more than its electronic equivalent. (See Appendix E.)

Most students whose professors require them to bring hard copies of e-reserves to class print the necessary copies in campus computer labs, where printing costs are identical to duplicating costs in OAS, and cheaper than duplicating costs at Collective Copies.

#### *E-reserves: Pedagogy*

At Amherst, we pride ourselves on our culture of close reading, close looking, and close listening. Moving to electronic course materials instead of printed coursepacks—a move undertaken at many of our peer institutions—feels uncomfortable to many of our faculty and students. Many of us believe that students do not read electronic texts as closely as they read hard copies, and many of us believe that students do not focus as attentively on class discussions when laptops sit in front of them. Indeed, two-fifths of the respondents to our faculty survey (less than half, but still a significant percentage) reported observing positive differences in the quality of students' learning when students worked with print rather than electronic material. (See Appendix F.)

Also, some respondents are wary of allowing laptops and other devices for reading electronic texts into the classroom. Half report that laptops act as a barrier in class, inhibiting discussion. The same percentage believes that students' tendency to use laptops for activities other than coursework (email, surfing the web, etc.) diverts their attention from the task at hand.

One faculty member wrote:

Discussion classes are a place for students to carry on a face-to-face conversation. I don't want computers to be used. They take away from the conversation. Students will read email, get on the Internet. People don't feel present.

Some faculty shared strategies for dealing with such temptations:

I've never run into significant problems with students doing other stuff on their laptops during class time. If I think a student is checking email or surfing, I just go stand behind the person and lead the class from there. On the other hand, if I did begin to have concerns about inappropriate use of laptops in class, I would have no problem with banning them entirely from my class. I regard student use of laptops in class as a privilege and not a right. This would mean that students would be forced to print out material on [e-reserves], although as I mentioned before, I find that most students do that anyway.

Another faculty member wrote:

Our students arrive with varied relationships to technology. Some students have developed remarkable ways of integrating technology into their learning process. I'd feel uncomfortable restricting the use of laptops for these students in hopes of modifying the behavior of less focused students. Having said that, when students use laptops in my courses, I make it very clear that they are not allowed to check email, surf the web (on non-course related topics), etc.

But not all faculty members endorse this approach or feel comfortable monitoring students in class.

We understand the significant value of printed and bound coursepacks for many of our colleagues, especially for those in the humanities and social sciences. We also believe that e-reserves will gradually supplant coursepacks at Amherst, just as they have at other institutions.<sup>11</sup> Such change will take time; that is, it may not be complete until the quality of scanned material increases and until devices such as the iPad for reading electronic material are ubiquitous.

But while such change may be gradual, we believe that pedagogical and financial considerations make it inevitable.

Consider, for example, that a student with a printed coursepack can read its texts in only one way: on the page, as printed, when that coursepack is present. A student with an electronic text, however, may read that text in many different ways: on a device for the visually impaired, on a PC or a Mac, on a tablet such as an iPad or Kindle, on a projection screen in a study room or a classroom, and, someday, on devices yet to be invented. Electronic images never deteriorate when making copies from copies. Legibility does suffer, however, when making print copies from print copies.

When thinking about cost, it is important to remember that it costs no more to print a page on a computer-lab printer than it does to print a page for a coursepack. In other words, those who want print copies can always create them from electronic copies. And electronic copies save time for staff who create and manage course readings. ADCs and Library staff need never rescan items placed on e-reserves; once scanned and uploaded, e-reserve readings exist from semester to semester. When the mix of readings for a given course changes from semester to semester, it is easier to scan and upload new items for the revised course than it is to revise and reassemble a coursepack for the revised course. E-reserves do not require—as do coursepacks—printing, collating, and binding, tasks that consume significant time and money.

We remain acutely aware that faculty members possess a variety of understandings about how the close-reading culture of Amherst relates or does not relate to technologies available for

---

<sup>11</sup>From one of our surveys we learned that most institutions post a “majority,” an “extensive” amount, “almost all” or “all” reserves online. However, other colleges we consider close peers have not changed their practices as significantly. Faculty members at Williams use print copies to a great extent. Roughly half the faculty at Swarthmore may still use print copies. And coursepacks still contain the majority of readings for classes at Smith. Among the 30 Oberlin Group colleges surveyed (see Appendix B), 1 institution uses coursepacks more frequently than e-reserves, 6 use coursepacks sometimes, 7 use them very occasionally, and 6 never use them. 7 responding institutions had insufficient data to respond. One institution does not offer e-reserves but it is willing to assemble coursepacks.



reading texts in electronic forms. The College should devote resources to address concerns related to these technologies.

### *Recommendations*

#### **Recommendation #1:**

To save time and labor, the Library should make reasonable efforts to enter into licensing agreements with publishers, either directly or through CCC, for course materials that are neither in the public domain nor made available by their copyright holders on the Internet. The goal: to reduce costs for course materials and to reduce the time spent on item-by-item copyright approvals.

1. Amherst should continue its annual license with the CCC.
2. In order to increase the number of licenses the College owns, library staff should survey the reading lists for a statistically significant number of randomly selected courses offered during the 2009-2010 and the 2010-2011 academic years to determine which readings or other materials were not (a) covered by existing licenses, (b) in the public domain or (c) made available by their owners on the Internet.
3. Library staff should work with the CCC to include within the Annual License those publishers whose surveyed readings were not (a) covered by existing licenses, (b) in the public domain or (c) made available by their copyright holders on the Internet. Library staff should consider entering into subscription licenses with publishers not covered by the CCC Annual License.
4. By October 1, 2011, Library staff should report to the Copyright Task Force the results of these surveys and of their licensing efforts so that the Task Force can make additional recommendations, if appropriate, regarding the College's copyright policies and practices.
5. The Task Force should issue a supplemental report to the Committee of Six by February 1, 2012.

#### **Recommendation #2:**

The College should continue to encourage faculty and students to use electronic reserves.

1. The Library should receive more staff assistance, especially during peak demand times, to make the e-reserve process swifter and better.
2. ADCs and Library staff should receive more resources as needed (a) to produce excellent-quality, scanned texts and (b) to compare scanned items with citations on the syllabus to control for errors.
3. The number of printers in the computer lab in Frost and elsewhere on campus should be increased as necessary to ensure adequate printing capacity for students who need or want hard copies of the texts.

### **Recommendation #3**

The College should provide adequate resources to support student and faculty expertise in marking up texts and in other electronic manipulation of digital media.

1. The College should give more support to IT (a) to continue ongoing investigations of software and (b) to support faculty and students' familiarity with the best resources.
2. The Library and IT should sponsor sessions on e-reserves and electronic reading devices.
3. The Dean of Faculty and the Dean of Students should sponsor IT-led workshops for faculty and students, which demonstrate the possibilities of close reading and the marking-up of electronic texts and other media.
4. An intensive effort should be made toward this end in First Year Seminars; the new workshop format for faculty teaching First Year Seminars might provide an opportunity to educate instructors *en masse*.
5. The College should follow the example of Reed College<sup>12</sup> and create pilot groups using iPads or similar tablets to read and mark-up electronic texts. Such groups should explore the difference between laptops and tablets for small discussion classes and assess the pedagogical results.

### **Recommendation #4**

The College should make a concerted effort to educate faculty and students about copyright and to help faculty make Fair Use determinations. It should then encourage faculty to examine their course materials more critically and to determine which materials merit the Fair Use exception.<sup>13</sup>

1. The Library should sponsor educational sessions on copyright and Fair Use for faculty members.
2. The College should continue to seek ways to help all constituencies make Fair Use determinations, including the adoption of new guidelines.

### **Recommendation #5**

The College should continue to explore ways of increasing the accuracy, efficiency and quality of e-reserves.

1. ADCs and Library staff should participate in a workshop on best practices in scanning.
2. ADCs and faculty should communicate with Library staff about earlier, inadequate scans. Together ADCs and Library staff, over the course of the year, should determine who will begin to re-scan chapters and articles directly from books that have been unsearchable or are inadequately scanned and begin this project to have high quality e-reserves. (See recommendation #2, sub-items 1 and 2 above.)
3. At least three weeks before classes begin, the faculty should provide ADCs and/or Library staff with course syllabi.
4. Faculty should provide ADCs and Library staff with full and accurate citations or the items themselves.

---

<sup>12</sup>See Trina Marmarelli and Martin Ringle, *The Reed College iPad Study* (Portland: Reed Institute, 2011), [http://web.reed.edu/cis/about/ipad\\_pilot/Reed\\_ipad\\_report.pdf](http://web.reed.edu/cis/about/ipad_pilot/Reed_ipad_report.pdf), which reports high satisfaction among students reading their course materials on iPads.

<sup>13</sup> Here we note that about three-fourths of respondents to the faculty survey either "strongly agreed" (14%) or "agreed" (58%) that it is a faculty members' responsibility to be aware of Fair Use Guidelines. (See Appendix F.)

## **Recommendation #6**

The current practice of assigning copyright fees to students should remain in effect. This practice is consistent with practices elsewhere, and it accurately reflects the costs incurred by creating coursepacks and posting e-reserve materials. It also provides incentives for linking to licensed electronic content, thus avoiding additional copyright fees.

Respectfully submitted by the Task Force on Copyright, Reserves, and Coursepacks.

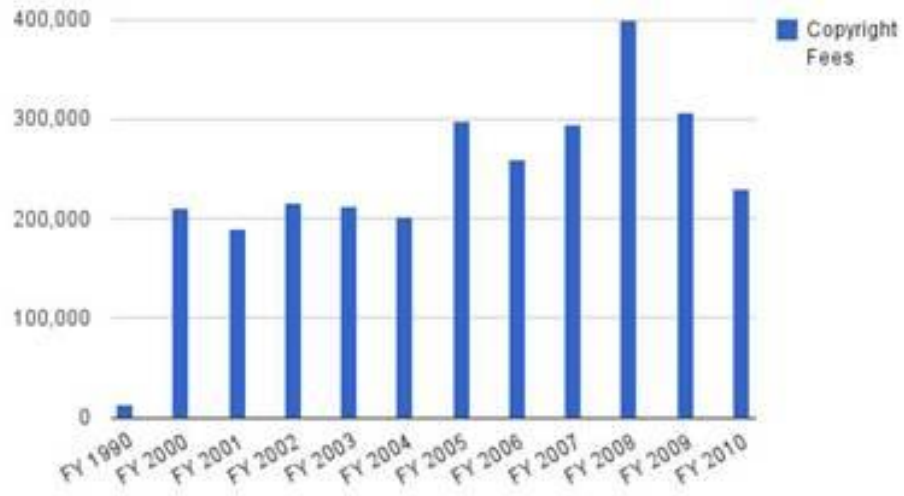
- Nicola Courtright, Associate Dean and Professor of the History of Art
- Jeffers Engelhardt, Assistant Professor of Music
- Bryn Geffert, Librarian of the College, Chair
- Susan Kimball, Science & Electronic Services Librarian
- Theresa Laizer, Academic Department Coordinator, Political Science
- Edward Melillo, Assistant Professor of History and Environmental Studies
- Paul Murphy, Legal and Administrative Counsel

## APPENDICES

APPENDIX A Copyright Fees Paid by Amherst College.....	12
APPENDIX B Practices at Peer Institutions; Results of a Survey of Library Directors at Oberlin-Group Colleges October 2010 .....	13
APPENDIX C Detailed Information on Practices at a Select Group of Peer Institutions .....	21
APPENDIX D Sample of Copyright Fees Paid for Anthropology & Sociology Courses Fall 2010.....	24
APPENDIX E Student Focus Group .....	25
APPENDIX F Faculty Survey .....	26
APPENDIX G Examples of Mark-up Tools for Electronic Text.....	36
APPENDIX H The Fair Use Exception.....	38
APPENDIX I Course Reading Survey.....	39

## APPENDIX A

### Copyright Fees Paid by Amherst College



**CONFIDENTIAL**

**APPENDIX B**

**Practices at Peer Institutions;  
Results of a Survey of Library Directors at Oberlin-Group Colleges  
October 2010**

Agnes Scott College  
Austin College  
Barnard College  
Bates College  
Bucknell University  
Colgate University  
College of the Holy Cross  
Connecticut College  
Davidson College  
Denison University  
DePauw University  
Dickinson College  
Eckerd College  
Franklin & Marshall College  
Gettysburg College  
Gustavus Adolphus College  
Haverford College  
Hope College  
Lake Forest College  
Manhattan College  
Oberlin College Library  
Occidental College  
Randolph-Macon College  
Simmons College  
Skidmore College  
St. Olaf College  
Swarthmore College  
Wellesley College  
Wesleyan University  
Whitman College



*Which statement best describes your institution's approach to compensating publishers for copyrighted course material posted online or included in coursepacks?*

Text:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 19
- Other: 11

Images:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 11.
- I don't know: 8
- Other: 11.

Audio:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 8
- Other: 11
- I don't know: 10

Video:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 9
- Other: 12
- I don't know: 8

Comments on "Other" for all four categories:

- This is so decentralized at [institution x] that we probably have many different people approaching it in many different ways.
- Use a commercial service for coursepacks.
- Fair Use for materials posted to password protected course management sites.
- We reimburse publishers through CCC for items included in coursepacks. The faculty member is responsible to adhere to fair use guidelines when posting online.
- We have a broad understanding of fair use and we do not have a centralized method for compensating the CCC. The bookstore creates coursepacks for a small portion of the faculty, and the bookstore does seek permission and pay the CCC.
- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use and we \*advise\* our faculty that they obtain permission via CCC for amounts that exceed Fair Use parameters. Note: We advise faculty, but do not enforce or monitor their compliance.
- No practices.
- We adhere to fair use guidelines for online posting. We will not post to Blackboard portions of works that exceed this amount, suggesting to the faculty person that we put a print copy of the book on physical reserve. There are only 1 or 2 physical coursepacks being produced, and for these our Bookstore Manager handles the CCC fees. Although we digitize images and audio and again adhere

to local interpretations of fair use to guide this practice, we haven't entered into the business of streaming video yet.

- We only stream and consider that fair use.
- Professors use coursepacks for previously used material and material over 10%.
- The library is not responsible for coursepacks and we do not provide eRes so this responsibility rests with the bookstore or faculty directly. For them, your second choice is likely closest to institutional approach.
- varies with material type; we only stream video for which we have received permissions (or tacit permissions); we rely quite heavily on using direct links to course materials; our copyright guidelines stipulate that for any journal for which we pay institutional subscription rates, it is intended to be used for educational purposes, whether research or teaching.
- We do not currently post audio or video material in electronic reserves.

*Who usually determines whether copyrighted materials used in courses complies with Fair Use guidelines?*

Text:

- Faculty member: 14
- Staff in print shop: 12
- Other: 4

Images:

- Faculty member: 12
- Staff in print shop: 8
- I don't know: 6
- Other: 4

Video

- Faculty member: 11
- Staff in print shop: 7
- I don't know: 6
- Other: 6

Comments on "Other" for all three categories

- Library if CCC for print reserves. Faculty are responsible for the rest.
- Our assumption is that faculty do it...
- Usually department will reimburse; occasionally the Library will assist.
- All audio is streamed; all is thought to be fair use. Course packs are completely centralized in terms of permission and funding.
- Some individual faculty and, if the bookstore is creating the coursepack, the bookstore.
- We track only ILL for royalty purposes.
- Department secretaries.
- Head of Access Services.
- We don't reimburse for audio and video.
- Library obtains copyright for coursepack materials only.
- Bookstore manager.
- Bookstore.
- It could also be faculty; though permissions for course reserves are in the hands of faculty, the library will help them seek permissions and we will pay if necessary.

*Who obtains copyright permission or reimburses publishers or the Copyright Clearance Center (CCC) when necessary?*

Text:

- Faculty member: 13
- Library or VRC [Visual Resources Center]: 10
- Staff in print shop: 1
- Other: 6

Images:

- Faculty member: 10
- Library or VRC: 7
- I don't know: 6
- Other: 7

Audio:

- Faculty member: 9
- Library or VRC: 6
- I don't know: 8
- Other: 7

Video:

- Faculty member: 9
- Library or VRC: 6
- I don't know: 8
- Other: 7

*Who processes (scans, uploads, deletes) documents placed on electronic reserves?*

Text

- Departmental administrative assistants: 2
- Faculty member: 4
- Library or VRC: 14
- Other: 10

Images

- Departmental administrative assistants: 1
- Faculty member: 3
- I don't know: 4
- Library or VRC: 12
- Other: 10

Audio

- Departmental administrative assistant: 1
- Faculty member: 5
- I don't know: 6
- Library or VRC: 9
- Other: 9

Video:

- Faculty member: 4
- I don't know: 8
- Library or VRC: 5
- Other: 13

Notes on "Other" for all four categories

- Practices vary by format and with circumstances. Library rarely scans text but uploads a lot.
- Library will accept digital files.
- text may also be uploaded by fac member, after training where we go over C/R.
- "Electronic reserves" is a library service, so we do it. Faculty members can do most of these things in Blackboard, too, where they process the items themselves or have their departmental assistants do it.
- We do not have an "electronic reserves" system. Faculty members use the course management system to make materials available for their classes. We make links in the system to the library reserve lists, and the electronic materials on that list are links.
- ITS.
- For text, all three categories place materials in Blackboard. To my knowledge, only the library is supporting the digitization of images and audio.
- For text and some images, can be done by either faculty or the library. Most audio is done by the library, though there may be files uploaded by faculty. Video is done either by the library or the language lab.
- ITS staff.
- Combo of copy center and faculty.
- Mix of faculty and admin assistants.
- Both instructors and library staff can scan, upload and delete e-reserves.
- It's pretty hodge-podge (and we use Moodle for this, rather than e-reserves per se): faculty do most of their own uploading, but some TAs and departmental assistants do it, and the academic technology specialists in LIT often get roped in for things like audio and video.
- Combination of library staff, faculty member, and departmental assistants.
- We don't have electronic reserves. However, we use Moodle as our electronic course management system. Faculty and departmental assistants have been trained to scan, upload and delete documents.
- Both faculty themselves or their dept. assistants NOT the Library.
- We do not have electronic reserves.

*Does your institution have an "Annual Copyright License for Academia" through the Copyright Clearance Center (CCC)?*

- Yes: 0
- No: 29
- I don't know: 2

*My Institution produces printed coursepacks ...*

- Usually instead of electronic reserves: 1
- Sometimes instead of electronic reserves: 6
- Very occasionally: 7
- Never: 6
- I don't know: 7

- Other:
  - Only when requested by faculty
  - uses commercial service for coursepacks which obtains copyright permissions
  - We offer faculty members the choice. We do not offer electronic coursepacks or electronic reserves. If faculty members want to go the print route, we assemble the course packs for them.

*May faculty at your institution place published material on their own course pages?*

- Yes: 21
- I don't know: 3
- Other:
  - Argh. Who knows--the policy says no, but everyone does anyway.
  - I think that many do, but I don't know about everyone
  - No rule
  - Only if that material is in the public domain: 2
  - They shouldn't unless they've received permission or own the copyright, but since there is in my view little understanding of what fair use means among the faculty, I suspect many do post items they shouldn't.

*Who pays the copyright fees that publishers or the CCC charge your institution for material used in courses?*

- Administration: 1
- Departments: 5
- Library: 5
- Students: 11
- Students plus other: 1
- I don't know: 1
- Other:
  - None of the above
  - Probably no one

*Which statement(s) best describes the burden placed on faculty who want an item on electronic reserve?*

- We require from faculty nothing more than a citation (full or partial); we then find the item, scan it if necessary, and upload it or link to it: 0
- We require from faculty nothing more than a citation (although we demand a complete and accurate citation); we then find the item, scan it if necessary, and upload it or link to it: 8
- Faculty may give us (a) an electronic copy, (b) a link to the item online, or (c) photocopied sheets, or (d) the print book or journal issue itself: 11
- Other:
  - course reserves are handled by faculty through course reserve management software – Moodle
  - Faculty are urged to abide by Fair Use and to link to a citation within library databases. If they scan and upload a document, it is available only to their students within the course and it is deleted at the semester's end.
  - faculty controls own e-reserve
  - Faculty post to Blackboard or campus e-disk
  - Faculty must give us either an electronic copy (PDF, JPEG, or other) of the item to be uploaded or a link from the online version. Faculty must give us

photocopied sheets of the item to be uploaded; we then scan and upload the sheets. Plus - they give us full citation

- Faculty upload their own electronic items
- Faculty members and their administrative assistants post materials on the course management system. ILS provides training on how to do this, and guidance regarding copyright compliance.
- I don't know. We don't have electronic reserves.
- since we use our CMS (Moodle) to provide electronic access to readings etc., the library plays no role. We do not have e-reserves in the normal sense.
- We don't use electronic reserves
  - We, the library, do not support the posting of materials online. This is entirely in the hands of the faculty.

*Please estimate what percent of faculty at your institution allow laptops in the classroom.*

- 90%: 2
- 80%: 2
- 30%: 1
- I have no idea: 25

*Have any decisions by faculty not to allow laptops or other electronic devices in the classroom hindered the use of electronic reserves or other electronic readings?*

- No: 7
- Not to my knowledge: 3
- I don't know: 7
- Other:
  - As far as I know, no such decisions have been made.
  - No decision on that here
  - Not applicable

*Does your institution have a policy on student use of laptops in the classroom?*

- No: 28
- Other:
  - I don't know of any
  - Nothing firm.

*Do you expect to see an increase in the use of laptops and electronic reading devices in class?*

- Yes: 19
- No: 1
- I don't know: 10

*Do you expect to see a decline in the use of printed coursepacks in the year ahead?*

- Yes: 14
- No: 5
- I don't know: 11



*Copyright policies:*

- <http://lis.dickinson.edu/Library/StudentServices/Policies/copyright.htm>
- [http://library.rmc.edu/about/copyright\\_guide.pdf](http://library.rmc.edu/about/copyright_guide.pdf)
- it is under development
- <http://www.gettysburg.edu/library/copyright/>
- <http://my.simmons.edu/services/technology/policies/copyright/>
- <http://www.oberlin.edu/library/reserve/copyright.html>
- <http://www.stolaf.edu/offices/doc/facultyhandbook/ToC.htm>
- <http://www.denison.edu/library/copyright/index.html>
- <https://www.depauw.edu/library/howto/copyright.asp>
- [http://www.holycross.edu/its/it\\_policies/it\\_use\\_policy/](http://www.holycross.edu/its/it_policies/it_use_policy/)
- <http://www.swarthmore.edu/x5025.xml>
- <http://web.wellesley.edu/web/Dept/LT/Collections/Reserves/ereserves.psml>
- <http://exlibris.colgate.edu/Reserves/copyright.html>
- More guidelines than policy -  
<http://libguides.agnesscott.edu/content.php?pid=39586&sid=290538>
- <http://www.hope.edu/resources/cit/policies/copyright.html>
- <http://www.wesleyan.edu/ip/>
- <http://www.whitman.edu/content/copyright/policy>
- <http://scholar.oxy.edu/sitepolicies.html>
- <http://www.conncoll.edu/is/info-resources/copyright/ccs/reserves.html>
- Here is the general copyright policy:<http://abacus.bates.edu/ils/policies/copyright.html>

*E-reserves policies:*

- <http://www.manhattan.edu/library/reserveonline.html>
- <http://library.rmc.edu/about/reserves.html>
- we have no such policy
- <http://www.gettysburg.edu/library/copyright/library-services/reserved-items>
- <http://www.simmons.edu/library/services/faculty-staff/reserves/index.php>
- <http://www.oberlin.edu/library/reserve/faculty.html>
- <http://www.stolaf.edu/library/libinfo/reserves.html>
- <http://www.denison.edu/library/services/reserves.html>
- <https://www.depauw.edu/library/howto/copyright.asp>
- <http://libguides.holycross.edu/content.php?pid=30240>
- <http://www.swarthmore.edu/x5775.xml>
- <http://exlibris.colgate.edu/Reserves/default.html#Copyright>
- “The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of fair use that user may be liable for copyright infringement.”  
<http://www.whitman.edu/penrose/about/faculty/reserveinfo/>
- <http://gustavus.edu/library/search/reserves.html>
- <http://www.conncoll.edu/is/info-resources/copyright/ccs/reserves.html>
- <http://abacus.bates.edu/ils/policies/copyrightGUIDELINES.html>
- [http://www.haverford.edu/library/services/submitted\\_reserves.php](http://www.haverford.edu/library/services/submitted_reserves.php)

**APPENDIX C**

**Detailed Information on Practices at a Select Group of Peer Institutions**

*Information gathered by Nancy Ratner in September & October 2010*

***Who Pays Copyright Fees?***

	<i>College</i>	<i>College Library</i>	<i>Department</i>	<i>Students</i>	<i>No copyright fees</i>	<i>Other</i>
<i>College #1</i>				X		
<i>College #2</i>					X	
<i>College #3</i>		If online, but rarely required		for course packs		
<i>College #4</i>		If <\$75; if not, library will work with faculty to find a lower cost alternative or place the item on print reserve				
<i>College #5</i>	Special college funded account, run by library					
<i>College #6</i>				for course packs	E reserves must qualify for no cost under Fair Use or be decommissioned items	
<i>College #7</i>	X					
<i>College #8</i>		X				
<i>College #9</i>	X?					
<i>College #10</i>		X	some			
<i>College #11</i>						
<i>College #12</i>			X	pay excess		

	<i>College</i>	<i>College Library</i>	<i>Department</i>	<i>Students</i>	<i>No copyright fees</i>	<i>Other</i>
<i>College #13</i>				for course packs	E-reserves must qualify for no cost under Fair Use or be decommissioned items	Book store handles course packs
<i>College #14</i>		for e-reserves		pay majority		
<i>College #15</i>		no	presume		If library scans article from their collection	
<i>College #16</i>		X				
<i>College #17</i>	?	?	?	?		
<i>College #18</i>		If <\$50	If >\$50			

### **Percentage of Supplemental Readings in Online Reserves (i.e. rather than in Coursepacks)**

<i>College #1</i>	majority
<i>College #2</i>	almost all
<i>College #3</i>	majority
<i>College #4</i>	
<i>College #5</i>	extensive
<i>College #6</i>	
<i>College #7</i>	majority
<i>College #8</i>	vast majority
<i>College #9</i>	majority
<i>College #10</i>	all
<i>College #11</i>	
<i>College #12</i>	more common
<i>College #13</i>	
<i>College #14</i>	growing fast, but coursepacks still majority
<i>College #15</i>	unclear – probably less than half
<i>College #16</i>	majority
<i>College #17</i>	majority
<i>College #18</i>	mostly hard copy

## APPENDIX D

### Sample of Copyright Fees Paid for Anthropology & Sociology Courses Fall 2010

<i>COURSE</i>	<i>Students</i>	<i>CCC \$</i>	<i>PAID TO PUBLISHER</i>	<i>TOTAL \$</i>	<i>\$ COST PER STUDENT</i>
<i>Course A</i>	35	794.36	171.94	966.30	27.61
<i>Course B</i>	63	1522.29	0.00	1522.29	24.16
<i>Course C</i>	17	270.30	0.00	270.30	15.90
<i>Course D</i>	22	1638.60	50.40	1689.00	76.78
<i>Course E</i>	12	198.70	35.70	234.40	19.53
<i>Course F</i>	29	1102.45	214.00	1316.45	45.39
<i>Course G</i>	11	174.90	0.00	174.90	15.90
<i>Course H</i>	15	135.25	0.00	135.25	9.02
<i>Course I</i>	33	748.96	162.11	911.07	27.61
<i>Course J</i>	33	1987.68	109.20	2096.88	63.54
<i>Course K</i>	19	1180.90	0.00	1180.90	62.15
<i>Course L</i>	18	149.30	0.00	149.30	8.29

Total copyright fees paid for 12 classes: \$10,647

Average payment per class: \$887.25

## APPENDIX E

### Student Focus Group

The committee sent an invitation to all Amherst students to meet in Frost Library on the evening of November 17, 2010 to offer thoughts about coursepacks, e-reserves, and copyright.

Nobody showed up.

We thus spent that evening collaring as many students in the library as would talk to us. We solicited thoughts from (a) all students studying in the periodicals area at 7:30 p.m., (b) all students who responded to a call over the PA system to meet us for cookies, and (c) all students working in the computer lab at 7:50 p.m.

#### Questions

1. If offered the choice between a printed coursepack and electronic files online, which would you prefer if:

- the cost for each option were the same?
  - printed coursepack: 44
  - online files: 3
- the printed coursepack cost \$10 more
  - printed coursepack: 41
  - online files: 6
- the printed coursepack cost \$20 more
  - printed coursepack: 10
  - online files: 37
- the printed coursepack cost \$30 more
  - printed coursepack: 3
  - online files: 44

2. If your course readings were available only as online files, would you read them online (e.g. on a computer monitor, iPad, Kindle, etc.) or print them before reading?

- print before reading: 33
- read online: 13

Of those who answered “print before reading,” how many of you would choose “read online” instead if software were available to mark the text on the screen (underline, highlight, write comments, etc): 5

## CONFIDENTIAL

### APPENDIX F

#### Faculty Survey

##### *Summary*<sup>14</sup>

#### Electronic Reserves and Coursepacks

- Two-thirds of respondents reported using electronic reserves for their most recent courses.
- One-fourth of respondents reported using coursepacks in addition to electronic reserves.
- About one-tenth of respondents reported using only course packs in their most recent courses.
- Of electronic reserve users, 86% reported putting text on electronic reserve, 68% reported putting Film/Video on electronic reserve.
- Electronic reserve users reported using a variety of approaches to putting media on electronic reserve.
- Two-fifths of respondents reported observing differences in the quality of students' learning when they use printed rather than electronic course materials.
- Extensive, open-ended comments reveal that a significant segment of respondents believe in pedagogical advantages for printed materials. Some respondents suggest that students read printed material more carefully, refer to it more often in class, and more readily annotate and take notes on it.

#### Laptops

- Students were not permitted to use laptops in two-fifths of the most recent courses taught by respondents.
- About one-half of respondents reported that laptops can create a barrier that inhibits class discussion.
- About one-half of respondents do not allow laptops in courses, noting that students may use their laptops for activities other than class work.
- Respondents' open-ended comments reveal a number of concerns about students' use of laptops in class.

---

<sup>14</sup> Please note: respondents could choose from multiple options when answering some of the questions on this survey.

## Copyright

- Three-fourths of respondents reported being “very familiar” (13%) or “somewhat familiar” (61%) with the Fair Use Guidelines.
- About three-fourths of respondents “strongly agreed” (14%) or “agreed” (58%) that it is a faculty member’s responsibility to be aware of Fair Use guidelines.

### *Survey Instructions*

The Task Force on Copyright, Reserves, and Coursepacks is seeking information about the ways faculty provide assigned material to students in their courses, either in the form of coursepacks (photocopied readings assembled in a packet) or electronic reserves (readings in the form of scanned articles or chapters and/or links, or other assigned material such as images or music that is stored electronically on a Web site). Your feedback will help the Task Force to assess and understand current practices in order to make recommendations to the College. (The full charge from the Committee of Six is included at the end of the survey).

It would be extremely helpful to the Task Force if you would fill out the survey about your experiences and views. It should take you around 10 to 15 minutes. Your answers will remain confidential, although the Task Force will be able to summarize the information by department.

If you have questions about this project, please contact Bryn Geffert, Librarian of the College ([bgeffert@amherst.edu](mailto:bgeffert@amherst.edu)). If you have technical questions about the survey, please contact Ethan Kolek, Associate Director of Institutional Research ([ekolek@amherst.edu](mailto:ekolek@amherst.edu)).



### Survey Results

Throughout the survey you will be asked questions about your most recent courses. If you are teaching this semester, please report on those courses.

**Have you used electronic reserves for your most recent courses?**

	%	n
Yes	67%	56
No	33%	28

**Which of the following do you have on electronic reserve or do you plan on putting on electronic reserve for your most recent courses? Check all that apply (electronic reserve users only)**

	%	n
Text	86%	48
Images	25%	14
Film/Video	68%	38
Other	11%	6

**Which of the following best describes your approach to putting course materials on electronic reserve for your most recent courses? Check all that apply (electronic reserve users only)**

	%	n
Submit streaming and digitization requests to IT	43%	24
Submit syllabus to staff members at Frost, who post items on electronic reserve on my course page in CMS	39%	22
Supply ADC or Frost staff members with copies of texts or other media material to post on electronic reserve on my course page in CMS	36%	20
I post texts/other media material on Blackboard or elsewhere in CMS	36%	20
Submit syllabus to ADC who takes care of rest of process	32%	18
Ask ADC to submit streaming and digitization requests to IT	13%	7
I use YouTube playlists as informal video reserve	11%	6
Other	7%	4
Ask ADC to post texts/other media material on Blackboard or elsewhere in CMS	2%	1

**How time consuming has your own involvement been in the process of creating electronic reserves? Please rate on a scale from 1-5 (1 is not very time consuming, 5 is very time consuming) (electronic reserve users only).**

	%	n
1 Not very time consuming	20%	11
2	26%	14
3	30%	16
4	15%	8
5 Very time consuming	9%	5

Mean = 2.67

Median = 2.00

**How easy or difficult has it been to create electronic reserves? Please rate on a scale from 1-5 (1 is very easy, 5 is very difficult) (electronic reserve users only)**

	%	n
1 Very easy	19%	10
2	34%	18
3	36%	19
4	8%	4
5 Very difficult	4%	2

Mean = 2.43

Median = 2.00

Several questions in the survey will ask you to report about each of the two courses you have taught most recently. Please be consistent in reporting about the same course each time you are asked about "Course 1." Similarly, please consistently report about your second course, when asked about "Course 2."

Typically e-reserves cost anywhere between \$5.00 and \$150.00 per course. How much do students pay for copyright permissions fees for your most recent courses? (electronic reserve users only)

	% of courses	n of courses
\$0	13%	8
\$1-\$25	13%	8
\$26-\$50	10%	6
\$51-\$100	11%	7
\$101+	3%	2
Not sure	49%	30

If you use visual, music, or other media materials, have you encountered particular challenges? Check all that apply. (electronic reserve users only)

	%	n
Locating materials	16%	9
Preparing this material for class is too time consuming	13%	7
Projecting, playing or otherwise using material in class	11%	6
Distributing materials to students	9%	5
Other	5%	3

Have you used coursepacks (photocopies of assembled readings) in your most recent courses?

	%	n
Yes, and only coursepacks	11%	9
Yes, but also electronic reserves	26%	21
No	63%	52

Why did you choose a coursepack over electronic reserves? Check all that apply. (coursepack only users)

	%	n
I prefer coursepacks for pedagogical reasons.	80%	7
I am unfamiliar with electronic reserves.	44%	4
I do not have the resources to prepare electronic reserves.	11%	1
Other	11%	1
I did not know that I could use electronic reserves.	0%	0

**Who produces (i.e. copies and collates) your coursepacks? (all coursepack users)**

	%	n
Our ADC	40%	12
The Office of Administrative Services	23%	7
A copy shop or service off-campus	17%	5
I do it	13%	4
Other	7%	2

**How time consuming has your own involvement been in the process of creating coursepacks? Please rate from 1-5 (1 is not at all time consuming, 5 very time consuming). (coursepack users only)**

	%	n
1 Not very time consuming	10%	12
2	33%	7
3	20%	5
4	20%	4
5 Very time consuming	17%	2

Men = 3.00  
Median = 3.00

**How easy or difficult has it been to create course packs? Please rate on a scale from 1-5 (1 is very easy, 5 is very difficult). (coursepack users only)**

	%	n
1 Very easy	13%	4
2	43%	13
3	20%	6
4	13%	4
5 Very difficult	10%	3

Mean = 2.63  
Median = 2.00

**Typically coursepacks, including copyright permissions fees, cost anywhere between \$5.00 and \$150.00 per course. How much do students pay for coursepacks for your most recent courses? How much students pay for coursepacks in most recent courses? (coursepack users only n = 30)**

	% of courses	n of courses
\$0	5%	2
\$1-\$25	18%	8
\$26-\$50	25%	11
\$51-\$100	16%	7
\$101+	7%	3
Not sure	30%	13

**Have you investigated whether putting class material on your course page in the CMS (electronic reserves) would cost the students less money than a coursepack? (coursepack users only)**

	%	n
Yes	55%	16
No	31%	9
Not sure	14%	4

**How, if at all, are students allowed to use laptop computers during your class sessions? Consider your most recent courses. (all respondents)**

	% of courses	n of courses
Students are never allowed to use laptops during any class sections	42%	57
Students are allowed to use laptops in certain situations in class	26%	35
Students are always allowed to use laptops in all of my class sections	32%	43

**To what extent do you agree or disagree with each of the following statements?**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Students should use laptops to take notes in class.	3%	17%	32%	28%	20%
Students should use laptops during discussions of readings/other material.	3%	4%	32%	35%	26%
If students are allowed to use laptops in class, students should download their readings/other assigned material for class discussion so that their computers are not connected to the Internet during class.	33%	33%	23%	6%	4%
I ask students turn off their wireless connection when using a laptop during my class session so they cannot access the Internet.	14%	14%	39%	22%	11%
Students should make notes, highlight, and otherwise mark up their documents electronically.	8%	19%	56%	11%	6%

**If you do not allow laptops in class, why not? Check all that apply. (Percentages reported as proportion of all respondents still participating in the survey)**

	%	n
Laptops create a barrier that inhibits discussion	53%	40
Students may use their computer for activities other than class work.	52%	39
Other	12%	9
I haven't tried laptops in class yet	4%	3

**Have you observed any differences in the quality of students' learning when they use printed versus electronic course materials?**

	%	n
Yes	41%	28
No	59%	41

**What are the most challenging aspects of dealing with copyrights, e-reserves, and coursepacks for you? Check all that apply.** *[Note: This question was incorrectly programmed when the survey first launched so that respondents could only check one response. Because of this error, caution should be used when interpreting the results for this item.]*

	%	n
Locating material	19%	10
Finding copyright holders	4%	2
Applying for copyright permissions	26%	14
Assembling the material	28%	15
Projecting, playing, or otherwise using the material in class	6%	3
Other	19%	10

**How familiar are you with the Fair Use guidelines (i.e. how and how much copyrighted material may be copied, modified, displayed, performed or distributed for instruction without seeking permission from its maker)?**

	%	n
Very familiar	13%	9
Somewhat familiar	61%	43
Not too familiar	23%	16
Not at all familiar	4%	3

**To what extent do you agree or disagree with the following statement:**

**“It is a faculty member's responsibility to be aware of Fair Use guidelines.”**

	%	n
Strongly agree	14%	10
Agree	58%	42
Neutral	23%	17
Disagree	3%	2
Strongly disagree	3%	2

**Please indicate how long you have been at the College:**

	%	n
1-6 years	30%	22
7-14 years	25%	18
15-25 years	22%	16
26+ years	23%	17

**It would be helpful if you could let us know which department you are in:**

Anthropology & Sociology	3
Anthro-Soc & Env. Studies	1
Art and the History of Art	4
Asian Languages and Civilizations	2
Biology	2
Chemistry	3
Classics (don't forget, we study the people who invented technology!)	3
Computer Science	1
Economics	2
economics / environmental studies	1
English	3
English/American Studies	1
French	1
Geology	2
German	1
History	5
History / Women's and Gender Studies	2
LJST	1
Music	2
Philosophy	1
Physics	1
Political Science	3
POSC/WAGS	1
Psychology	4
Psychology and WAGS	1
Religion	2
Spanish	2
Theater and Dance	2



## APPENDIX G

### Examples of Mark-up Tools for Electronic Text

#### *“Good Reader” Software*

**Abstract**

Reverse Turing tests, or CAPTCHAs, have become an ubiquitous defense used to protect open Web resources from being exploited at scale. An effective CAPTCHA resists existing mechanistic software solving, yet can be solved with high probability by a human being. In response, a robust solving ecosystem has emerged, reselling both automated solving technology and real-time human labor to bypass these protections. Thus, CAPTCHAs can increasingly be understood and evaluated in purely economic terms: the market price of a solution is the monetizable value of the asset being protected. We examine the market-side of this question in depth, analyzing the behavior and dynamics of CAPTCHA-solving service providers, their price performance, and the underlying labor markets driving this economy.

**1 Introduction**

Questions of Internet security frequently reflect underlying economic forces that create both opportunities and incentives for exploitation. For example, much of today's Internet economy revolves around advertising revenue,

alphanumeric characters that are distorted in such a way that available computer vision algorithms have difficulty segmenting the text. This problem is typically presented in two forms: the first is those developed around solving cost, and the second is the use of multi-step design point. Moreover, the combination of cheap Internet access and the commodity nature of today's CAPTCHAs has globalized the solving market;

A screenshot of a 'Note' application window with a yellow background. The window has a title bar with 'Close' and 'Save' buttons. The text inside the note reads 'Define abbreviation.'

временной критики за беспринципность, т. е. за то, что его литературная деятельность оставалась чужда всякого интеллигентского «направления» (известно, что подобными упреками грешил тогда даже покойный Михайловский), в последнее время за Чеховым признано было «направление», ему выдано было свидетельство о литературной благонадежности, и «сия последняя лесь бысть горша первая». На этом основании литературная деятельность Чехова в настоящее время обычно делится на два периода, из которых первый характеризуется отсутствием у него гражданских добродетелей, а второй их появлением. Однако при таком измерении Чехова аршином существующих направлений слишком мало задаются вопросом о том, в чем же состоит своеобразие собственной физиономии Чехова, вне этого более чем сомнительного деления на периоды. Нас поражает в этом отношении тот любопытный факт, что сам Чехов никогда не ставил хронологических дат на своих произведениях, их нет и в последнем полном собрании его сочинений. Мы усматриваем в этом во всяком случае ценный намек и указание на то, как мало значения придавал точной хронологии своих произведений сам автор, очевидно, не знавший никакого крутого поворота в направлении своей литературной деятельности. ~~И нам действительно она представляется единым целым, проникнутым одним общим мировоззрением: об основных чертах этого мировоззрения, насколько оно отразилось в произведениях Чехова, я и хочу поведать сегодняшнюю беседу.~~

Written in the fall of 1905 in St. Petersburg and Yalta

bgeffert 12/13/2010, 5:4  
Source? Check bibliography.

Typo from original text?

## **APPENDIX H**

### **The Fair Use Exception**

#### **17 U.S.C §107**

##### § 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include —

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

## APPENDIX I

### Course Reading Survey

Conducted by Susan J. Kimball & Theresa Laizer Fall 2010  
Data collected from a random selection of 30 spring 2010 courses

#### E-RESERVE LINKED CONTENT VS. UPLOADED FILES

	Links	Uploads	Total	% Links
Humanities	37	69	106	34.91%
Interdisciplinary	69	64	133	51.88%
Sciences	136	48	184	73.91%
Social Sciences	63	98	161	39.13%
Total	305	279	584	52.23%

#### E-RESERVE UPLOADED CONTENT THAT COULD HAVE BEEN LINKED

	License	Free	Both	Total	%
Humanities	6	8	0	69	20.29%
Interdisciplinary	15	4	9	64	43.75%
Sciences	4	9	2	48	31.25%
Social Sciences	5	6	29	98	40.82%
Total	30	27	40	279	34.77%

#### COURSEPACK CONTENT THAT COULD HAVE BEEN LINKED

	License	Free	Both	Total	%
Humanities	8	11	2	91	23.08%
Interdisciplinary	0	0	0	11	0.00%
Sciences	0	0	0	0	0.00%
Social Sciences	10	13	15	118	32.20%
Total	18	24	17	220	26.82%