

**REPORT OF THE
PRESIDENTIAL TASK FORCE ON
EQUITABLE ACCESS TO ELECTRONIC CONTENT (EQUACC)**

Appointed by: Roberta Stevens, ALA President, 2010/2011

Appendixes: A. Council resolution to create Presidential Task Force

B. Timeline of EQUACC activities

C. EQUACC Charge

D. EQUACC Interim Report to Council

E. EQUACC Task Force Members

F. *Library Journal* article on HarperCollins

Communications were also accomplished via the Task Force listserv (equacc@ala.org)

Documents are posted on the Task Force site on ALA Connect.

Summary

The Presidential Task Force on Equitable Access to Electronic Content (EQUACC) is submitting a report and making recommendations for the Association as directed by the ALA Council "RESOLUTION TO ENSURE EQUITABLE ACCESS TO ALL FORMATS OF ELECTRONIC CONTENT THROUGH LIBRARIES, ALA CD#44."

This document includes the report from EQUACC, with numerous recommendations (numbered in document and shared with BARC prior to Annual 2011), and background materials. EQUACC requests that the ALA Council:

1. accept the report;
2. refer the report to BARC, the Executive Board and Executive Director to develop a plan to implement report recommendations; and
3. request the President and the Board to establish an ongoing group to address current and future issues of Equitable Access to Digital Content on a coordinated, association-wide basis.

Report of the Presidential Task Force on Equitable Access to Electronic Content (EQUACC)

This report provides a summary of the establishment of EQUACC by the ALA Council and ALA President Roberta Stevens, a review of the group's charge, Task Force activities, and recommendations for consideration by the ALA Council and ALA President.

Background

At the 2010 ALA Annual Conference, ALA Council approved a resolution proposed by ALA members to create a Presidential Task Force on Equitable Access to Electronic Content (see attached). The Task Force was appointed and held its first face-to-face meeting at the 2011 Midwinter Conference, proposed ideas, established communication mechanisms, and developed a plan for a Task Force member retreat (see timeline).

The charge of the Task Force is quite extensive as the issues related to providing access to digital content are broad (see attached). The Task Force was directed to study the challenges and potential solutions in libraries for improved electronic content access, distribution and preservation systems, and infrastructure in an increasingly digital environment. Task Force members elected to focus on the sections of the charge that addressed the most urgent issues given the one-year term of the Task Force. These issues included accessibility for people with disabilities, areas for possible education and outreach to a variety of stakeholders (e.g., publishers, authors, vendors, librarians, and the general public), and areas that would require further research. Additionally, the Task Force collaborated with the Office for Information Technology Policy's E-book Task Force by inviting a liaison to join EQUACC.

On February 25, 2011, *Library Journal* broke the news that HarperCollins would cap its loans of all new e-books (primarily obtained by public libraries through OverDrive) to 26, after which time the library could negotiate a reduced price license for subsequent access to the title. Coincidentally, the Task Force retreat was scheduled a week after the HarperCollins announcement that had by that time become a highly charged discussion among librarians and the public. Therefore, this topic became a major theme and issue of the retreat. The Task Force did, however, make significant progress toward meeting its identified tasks during the retreat and submitted an interim report to Council (see attached). Breaking into working groups, the Task Force considered five issues:

Environmental scan – There was a sense that ALA needed to know more about the societal, economic, legal, and long-term implications of the current situation regarding access to digital content. Developments in technology and the e-book market continue to move at an exponential pace making it hard to assess the overall situation and the best way for ALA to respond and prepare its membership to be able to operate in the environment, now and in the future.

Licensing – the Task Force understood that currently most digital resources acquired by libraries are licensed to libraries under contractual agreements that limit what libraries can do with resources. Some libraries are dealing with surprise price hikes for digital content that they find they cannot afford, forcing them to cancel access, losing content they once had, and facing upset library users who have come to expect that the library will always have the content. This is a change from the analog world in which copyright law applies to resources purchased and owned by libraries. This working group discussed the development of licenses that reflect perpetual access and use of e-content or the possibility that federal law could offer some opportunity for revision regarding the pre-emption of copyright by contract law.

Public relations – The Task Force identified the need for a public relations campaign. They thought that that the public, as well as the library community, does not fully comprehend the ramifications of a leased e-book environment that could effectively end library lending, nor do they fully understand the acquisition of electronic K-12 resources and the inability to preserve licensed content. They also believed that the publishing community does not fully appreciate the important role libraries play in fostering reading and how this contributes to the publishers and authors' economic success. The working group agreed that we needed better “messaging” to several audiences including the public, authors, publishers, and Congress.

Accessibility – The Task Force determined that real improvement in access to information for people with disabilities can now be achieved via digital technologies and networks and that ALA needs to take advantage of it. Libraries were part of the problem and should lead in its solution. Library advocacy, education and collaborations with assistive technology groups and library vendors are necessary to bring about change.

Model Projects – The Task Force also recognized that some libraries are trying innovative and out of the box projects with e-content – from acquisitions and discovery to use. These test beds need to be fleshed out and examined for their effectiveness in providing library solutions. The working group members were themselves trying out new things and wanted to move forward and evaluate additional new models.

The working groups focused on priority next steps that are offered as recommendations to ALA Council.

1. **We recommend resources, including staff and financial support be provided to conduct an environmental scan with an analysis that synthesizes the current state of affairs.** This recommendation is moving forward in part as ALA knowledge management staff, the research office, and OITP are collaborating on a data-gathering project. Much information is already available and ALA has acquired two market studies that need to be analyzed. In addition, ALA has a part time research associate collecting resources, adding them to resources collected by the Task Force, and designing a taxonomy for the EQUACC website “Further Reading” page. OITP’s Google Policy Fellow, who will be with OITP for 10 weeks this summer, has environmental scan assignments and will be compiling several documents aimed at member

education. The ongoing work should be concluded by Midwinter 2012. If more data and analysis is necessary, the Council should consider whether additional ALA resources should be allocated to complete the environmental scan.

Budget implications: no additional funding at this time, but, pursuant to existing efforts, there may be a determination that additional funding is necessary to fully comprehend the current environment and structure for ongoing data collection.

- 2. The Task Force recommends an economic analysis of licensing models for e-content to flesh out the advantages and disadvantages of existing and emerging models and to inform library decision-making when acquiring e-content.** Recognizing that models are different for public, school and academic libraries due to the nature of materials collected and how it is used in the respective community and that academic libraries are ahead of the game in understanding the e-resources economic environment through previous analysis, an economic study may prove to be more beneficial to public libraries. School libraries acquiring e-content have a more complex picture because of the diversity of purchasing models, the varied and distinctive differences between how libraries acquire content, and limitations or requirements that may be enforced by state and local district regulations. These factors make it very difficult to identify the advantages and disadvantages of school library models. Ad-hoc purchasing processes limited at least in part by school regulations and required curricula will be difficult to measure in economic terms. ALA has already allocated resources to OITP to conduct an economic analysis of business models in a shared information market (primarily public library focused). A learned economist has been hired to conduct the study. His work will be monitored by OITP staff and librarians in the field who can provide information of the varied ways libraries obtain e-content. The economic study will be completed by the end of the calendar year. We also suggest that development of a survey of school librarians responsible for purchase decisions may be a good first step in assessing school specific factors.

Budget implications: No additional funding at this time pursuant to the need for additional data and analysis and support for new data gathering and analysis.

- 3. The Task recommends that resources be allocated to the Public Information Office to focus on publicizing library and e-content issues, celebrating the continued societal need for equitable access to information for all people.** The "I Love Libraries" website is a venue for this sort of publicity, but, to off-set costs, the Task Force also recommends that ALA collaborate with for-profit companies whose bottom line depends at least in part on library purchases. In addition to a campaign targeted at for-profit businesses, the Task Force also recommends that PIO develop an educational campaign targeted at the general public to alert them to the threats the library lending model is under and the subsequent ramifications to the public. The Task Force also recommends a targeted campaign for authors that would emphasize the beneficial relationship libraries and authors should have. Other targeted campaigns should be educational in nature for the library community so that ALA responses to issues related to the digital content market be clearly articulated. The Public Relations working group of the Task Force welcomes the opportunity to work with PIO to share the many PR ideas generated at the retreat while recognizing that PIO holds the expertise to develop PR efforts on behalf of libraries.

Budget implications: to be identified by PIO if necessary

4. **The Task Force recommends that the inaccessibility of library websites, e-resources, discovery tools and “containers” (applications and reader devices) for people with disabilities is a priority problem that ALA immediately needs to address.** The Department of Justice has released a report on web accessibility that mandates non-profit and commercial entities make websites accessible. The lack of funding and web accessibility expertise combine to make this a recommendation that cannot be achieved overnight; nonetheless, the process must begin. In addition, the majority of librarians are not prepared to work effectively with patrons with disabilities in spite of available resources and training opportunities. Moreover, people with disabilities do not realize that libraries can help them access information. The accessibility working group recommends that ALA encourage web accessibility review, build awareness to persons with disabilities that libraries can help meet their information needs, work with library vendors to improve access to e-content and develop model e-selection and best practices by funding an external researcher to conduct usability tests with people using assistive technology. Many of these recommendations have grant funding potential, and collaborative activities between librarians and makers of assistive technologies are already underway. ALA needs to build on the collaboration that already exists among ALA divisions to coordinate efforts.

Budget implications (for three recommendations):

- a. Funding for a two-day meeting with representatives from ASCLA, the 508ers, the Universal Accessibility Interest Group, and OITP to discuss strategies for an end-user platform accessibility testing initiative, in partnership with content vendors and accessibility-focused organizations outside of ALA. \$20,000 for housing and travel.
 - b. Educational webinars to teach librarians how to respond to the top 10 frequently experienced encounters libraries face with library users with disabilities. Most costs could be absorbed but set aside \$1,000 for expert trainers.
 - c. “Project Do-Over” where a library can apply for a website makeover to make their site accessible to library users with disabilities. (This project could be done in collaboration with groups representing those with disabilities, would draw national attention to accessibility issues, and provide data on how best to manage and fund a library site “do-over.”) \$15,000 for a meeting to develop the strategy promotion, plan execution, publicity, and complete analysis.
5. **The Task Force understands that individual libraries have agency to experiment with new ways to acquire and provide e-content and recommends that these libraries be encouraged to share the results and the test bed findings.** There is a real possibility that these experiments can influence other libraries or at least make them aware that libraries can effect change in the e-content marketplace and make e-content more easily available to library users. This can be done in a number of ways – the main point is that librarians should be aware of these experiments. ALA should consider collecting these examples in the form of case studies and make them available through the ALA website so that interested librarians can easily

find prototypes that could be adapted for use in their libraries. Individual members of EQUACC are working on the following text bed projects:

- a. The data gathering and development of an environmental scan focused on how libraries can create content versus buying it from publishers
- b. A project to enhance e-book discovery in libraries with wall-size displays and content servers
- c. A partnership with the Internet Archive providing electronic access to books from the library through digitization and enhancing accessibility
- d. Another partnership with Internet Archive convincing small publishers to sell e-books directly to libraries

Budget implications: None

6. **The Task Force recommends to Council that issues regarding equitable access to electronic content find a permanent home within the ALA organizational structure.** The Task Force has found that ad-hoc task forces formed to address a broad, wide ranging and dynamic issue are not as effective as having a dedicated person or team of people with an ongoing focus and strategy to manage what will continue to be a huge concern for libraries. This could be a new, ongoing ALA unit or a number of existing divisions or offices that are already in place. We envision that wherever the permanent home for the topic will be that a member advisory committee representing all ALA divisions, roundtables, and offices be established to guide the direction of the ALA unit.

The HarperCollins and Google Book Search Settlement situations are illustrative. While members voiced concern over the limited loan policy, the EQUACC Task Force found that it did not know if it had the authority or responsibility to respond publicly. Many members wanted to sit down with the publishers and ask that they address our concerns, but were unaware of the potential anti-trust concerns of publishers when meeting in a large group together. Ultimately, the Task Force was unclear what message they wanted to deliver to publishers. In addition, a HarperCollins boycott movement developed that the Task Force knew it could not endorse on behalf of ALA, even though some Task Force members believed a boycott was a good strategy. Moreover, the Task Force lacked a clear understanding of overall ALA structure – if someone were to talk to a publisher, who would do that? Is there an existing body within ALA that has an established communication channel with the publishing community? ALA staff could provide some information regarding these concerns, but there were questions that staff could not answer and wondered if they would better addressed by the Executive Board. The Presidential Task Force on the Google Book Search settlement waited nearly two years for the courts to make a judgment regarding the viability and legality of the class action settlement. After three years, we still do not know the final outcome of the settlement so the Google Book Search Settlement Task Force had very little it could do but wait and see since ALA was not a party to the class.

To sum up, situations affecting U.S. libraries, especially in the digital environment where content ownership, sharing, preservation, privacy, responsibilities to control piracy among other things are all up for grabs, we do not know how, if, when, and with what authority an ad-hoc Presidential

Task Force can have any impact. Instead of reacting to emergency situations, ALA should have ongoing ways to respond, develop policy, create knowledge necessary for members, and manage these issues that are going to be with us for a long time, and the Task Force believes this can only be accomplished in a holistic fashion with dedicated staff and standing and representative member advisory committees.

Recognizing that due to the economic crisis, ALA has a very limited ability to fund new staff positions, the Task Force recommends that a project manager be hired for a two-year period to guide the process of building a “home” for the digital content issues that run the gamut – mass digitization, institutional repositories, digital licensing models or other ways to obtain, use and preserve digital content, digital libraries, and major projects like the HathiTrust and the proposed National Digital Public Library. After the two-year period, ALA should evaluate whether permanent additional staff and member groups are necessary to effectively manage digital issues. It may well be that these responsibilities are already addressed in piece meal fashion across the organization. Nonetheless, the Task Force recommends that the Association bring some semblance of coordination among the myriad issues with an objective to keep the members informed, provide educational support, and coordinate ALA-wide activities and efforts.

Budget implications: The Task Force recommends that ALA allocate \$200,000 for a full-time project manager hired for a two-year period to coordinate and jump start the integration of digital library concerns within the ALA organizational structure with a commitment to re-evaluate the need for organizational modification or augmentation.

7. **The Task Force’s final recommendation is that this Presidential Task Force on Equitable Access to Electronic Information be extended to Midwinter 2012 to help oversee the transition of the Task Force into a permanent advisory committee.** We further recommend that the new Advisory Committee include some members of the Task Force but be limited to 10 members.

Budget implications: \$50,000 for a series of business meetings to develop strategies, identify additional environmental scan needs, assist with public relations messaging, prepare documentation for the ALA membership, and to meet with vendors and publishers to share information and library needs.

**A Resolution to Ensure Equitable Access to All Formats
of Electronic Content Through Libraries**

Whereas, American Library Association (ALA) Policy 50.15.1 "Principles for the Networked World" states:

"Libraries are crucial to assuring that society benefits from the promises of technology but are increasingly challenged by a number of critical policy debates. There are seven policy areas intrinsic to libraries, technology, and the role that libraries play in connecting people to an increasingly networked world. These specific areas are:

- intellectual freedom, the right to access and express ideas;
- privacy, the freedom to choose the degree to which personal information is made available;
- equitable access to information;
- intellectual property;
- infrastructure, physical and social architectures within the context of the networked world;
- content, including public and government information; and
- information literacy, the ability to access and effectively participate in the networked world;" and

Whereas, The rapid evolution of technology is accelerating the transition of information from print to digital; and

Whereas, Restrictions to access and usage of digital content and devices are being imposed due to implementations of digital rights management (DRM) through technologies used by hardware manufacturers, publishers, and copyright holders; and

Whereas, Equity of access is threatened by inadequate library funding and inadequate access to electronic content and distribution infrastructures; and

Whereas, Libraries fulfill a unique and essential role through the stewardship of content and information, regardless of format; and

Whereas, Archives of digital electronic content via libraries is the best way to ensure future access to said content; and

Whereas, Without libraries as intermediaries to commercial electronic content, said content is controlled solely by for-profit organizations with no obligation to provide for and protect access should the commercial electronic content be either prohibitively expensive, difficult to access or cease to exist; now, therefore, be it

A Resolution to Ensure Equitable Access to All Formats of Electronic Content Through Libraries/2

Resolved, That the American Library Association (ALA):

- (1) Calls for the formation of a Presidential Task Force, integrating the OITP Working Group, charged with studying:
 - challenges and potential solutions in libraries for improved electronic content access, distribution and preservation systems, and infrastructure in response to the creation and migration of materials from print to electronic access;
 - collaborations that provide electronic content and distribution infrastructure for libraries, including the development of a list of potentially practical, effective collaborations and courses of action that ALA and libraries around the country could engage in;
 - current and emerging assistive technology that provides people with sensory and physical disabilities the opportunity to access electronic information hitherto inaccessible through libraries;
 - methods of encouraging solutions through libraries for electronic content access that use formats and standards that work across DRM-free device platforms;
 - options for compromise agreements between the library and publishing communities regarding access to digital content; and
 - the need for any ALA policies required to further the creation of an effective electronic content and distribution infrastructure for libraries; and
- (2) Directs the Presidential Task Force to submit a report to Council at ALA Annual Conference in 2011 containing recommendations for the Association.

Adopted by the Council of the American Library Association
Monday, June 28, 2010
In Washington, DC

EQUACC Timeline

June 28, 2010 ALA Council adopts ALA CD#44 a “Resolution to Ensure Equitable Access to All Formats of Electronic Content through Libraries.”

September 29, 2010 ALA President Roberta Stevens calls on divisions to nominate members to serve on the Presidential Task Force on Equitable Access to Electronic Content (EQUACC).

November 11, 2010 The Task Force roster is finalized. Linda Crowe and Michael Porter are named co-chairs.

December 29, 2010 Keith Fiels and President Stevens hold a conference call with the Task Force co-chairs to review the charge and budget allocation for a Task Force retreat.

January 8, 2011 Task Force meets for its first face-to-face meeting at the San Diego Midwinter Conference.

February 15, 2011 Task Force holds a conference call to discuss the agenda for retreat.

February 25, 2011 *Library Journal* story on HarperCollins decision to limit loans is published.

March 7-8, 2011 Task Force holds retreat at the ALA Washington Office.

March 10, 2011 EQUACC web site goes live (www.ala.org/equacc)

March 11, 2011 President Stevens issues press release calling on publishers to work with libraries to ensure equitable access to electronic information.

March 15, 2011 Task Force begins monthly conference calls.

March 25, 2011 OITP requests funds for economic study on e-book licensing models.

April 8, 2011 Task Force issues preliminary report to ALA Council.

April 19, 2011 OITP, ALA Research Office and ALA Library staff begin mini environmental scan project to assess the e-content and libraries situation.

April 29, 2011 Task Force members have conference call with HarperCollins. Parties agree to keep lines of communication open, share information with hope for library-publisher win-win solutions.

May 10, 2011 OITP receives funding request.

June 1, 2011 EQUACC and the OITP E-book Task Force participate in the ALA Virtual Town Hall and provide brief reports.

June 17, 2011 OITP hires Stan Besen to conduct economic study of e-book licensing models, due at the end of the year.

June 17, 2011 Task Force submits Annual report to ALA Council.

June 25, 2011 Task Force sponsors program on the work of EQUACC.

June 26, 2011 Task Force holds business meeting at New Orleans Annual Conference.

June 26, 2011 Task Force members attend Council Forum to respond to any questions generated by report to Council.

June 27, 2011 Task Force co-chairs give report at Council II.

Presidential Task Force on Equitable Access to Electronic Content

Background and Charge

Council Resolution

On June 28th, the ALA Council passed a resolution that called for the formation of a Presidential Task Force, integrating the OITP Working Group, charged with studying:

- challenges and potential solutions in libraries for improved electronic content access, distribution and preservation systems, and infrastructure in response to the creation and migration of materials from print to electronic access;
- collaborations that provide electronic content and distribution infrastructure for libraries, including the development of a list of potentially practical, effective collaborations and courses of action that ALA and libraries around the country could engage in;
- current and emerging assistive technology that provides people with sensory and physical disabilities the opportunity to access electronic information hitherto inaccessible through libraries;
- methods of encouraging solutions through libraries for electronic content access that use formats and standards that work across DRM-free device platforms;
- options for compromise agreements between the library and publishing communities regarding access to digital content; and
- the need for any ALA policies required to further the creation of an effective electronic content and distribution infrastructure for libraries; and

The resolution called for the Task Force to submit a report to Council at ALA Annual Conference in 2011 containing recommendations for the Association.

The role of OITP

The Office for Information Technology Policy advances ALA's public policy activities by helping secure information technology policies that support and encourage efforts of libraries to ensure access to electronic information resources as a means of upholding the public's right to a free and open information society. It works to ensure a library

voice in information policy debates and to promote full and equitable intellectual participation by the public.

Working together with ALA's Office of Government Relations and the Office for Intellectual Freedom, OITP works to ensure a library voice in information policy debates and to promote full and equitable intellectual participation by the public by:

- Conducting *research and analysis* aimed at understanding the implications of information technology and information policy for libraries and library users,
- *Educating* the ALA community about the implications of information policy, law, and regulation for libraries and library users,
- Advancing ALA's *information policy interests* in non-legislative government policy forums, and
- Engaging in *strategic outlook* to anticipate technological change, particularly as it presents policy challenges to libraries and library users.

Recognizing the role of OITP, it was understood that the Committee and Office would serve as the lead in and "home" for this effort.

Currently, an OITP subcommittee is working on issues closely related to the Council resolution. The mission of this subcommittee is to:

- explore and articulate the issues surrounding e-books (and allied devices), licensing agreements, and access to information in the library context, and
- engage vendors in a productive dialogue to improve matters for the library community.

This group is conducting an initial background exploration, which was to be followed by a broader discussion involving representation from the relevant ALA divisions, offices, roundtables, and other entities.

Initial Tasks

The digital revolution enables great opportunity for improved access to information through libraries but at the same time creates challenges for equitable access to electronic content. A major focus of these challenges is the infrastructure of how electronic content is acquired, accessed, distributed, and preserved. Particular issues of interest include the formats and standards for information and technology and assistive technology. Addressing these challenges effectively may take a variety of forms including collaboration and negotiation within the library community, with the publishing community, and with other groups.

Recognizing the enormity of the scope of the Council charge, as well as current efforts underway, it is recommended that the new Task Force include representation from the existing subcommittee. As a first step in addressing the issues outlined in the Council resolution, the Task Force would:

- identify relevant reports and projects that are completed, in-process, or planned by ALA entities
- conduct an environmental scan that includes relevant major initiatives outside of ALA
- analyze and synthesize the information collected and develop potential directions and actions that ALA could pursue
- submit a report to ALA Council at the 2011 Annual Conference

TO: ALA Council and President, Roberta Stevens

FROM: The Presidential Task Force on Equitable Access to Electronic Content (EQUACC)

Interim Report

The Equitable Access to Electronic Content (EQUACC) Task Force met for the first time at a meeting held at ALA Midwinter and had a more substantive session at a one-and-a-half day retreat at the Washington Office, March 7-8, 2011. The retreat happened to coincide with the announcement that HarperCollins would limit loans for its e-books. Throughout the retreat, the significance of the HarperCollins decision factored into most of the discussions. In addition to addressing this timely issue, the Task Force made significant progress toward identifying challenges and solutions for improved electronic access, use, distribution, and preservation. The Task Force focused on long-term strategic issues given that there could easily be a situation similar to the HarperCollins decision in the future and ALA must be prepared to respond effectively.

The Task Force charge (attached) asks that the group prepare a report and make recommendations to ALA Council at Annual 2011. The Task Force interpreted that charge to include specific actions to develop projects that if acted on immediately would advance the original charge. The Task Force quickly established a solid working relationship that was enhanced by the working group activities and discussion. Much of the progress made during the retreat can be attributed to the highly organized and energetic work ethic of the members.

The Task Force had agreed to focus on five issues:

1. Environmental Scan (Working group: Michael Porter, Robert Maier, Cynthia Orr and Heather Wicht)

The Task Force determined that we need more information about the existing e-content environment, recognizing the difficulty of such a task in a dynamic technological and market context. The Task Force is investigating whether a scan would be an effective means to understanding the current context so that future ALA actions will be well informed and strategically effective. An environmental scan of the digital resources marketplace as it currently exists would identify specific data that should be regularly collected to make future projections. A scan would provide a narrative framework for the data that is presented, which will include publishing, sales, consumer, and usage data. Other elements to be addressed in the scan might include hardware and software options, sales and access models, and freely available content. While a lot of information is already available (e.g., Book Industry Study Group (BISG) survey data, the recent COSLA report on e-books, studies conducted over the past few years by the Office of Research and Statistics, etc.), the Task Force members believe that this

information and any new data needs to be synthesized to establish a comprehensive review of the situation facing libraries. Any such endeavor would require additional funds.

2. Licensing (Working group: Bob Wolven, Christopher Harris)

Current and potential future models for licensing electronic content were considered by the Task Force. The key concepts to guide discussion about licensing were:

- Flexibility, the ability to negotiate terms appropriate for libraries, type of material, intended use, and collection development needs;
- Models not constrained by analogies to print;
- Enduring access or ownership models that secure access for future users, not dependent on short-term fluctuations in funding;
- Models that provide a viable path for access not dependent on local demand and current popularity;
- Models that encourage more direct interactions between libraries and publishers/authors; and
- An understanding of licensing digital content without the first-sale doctrine.

The Task Force's role is not to dictate or negotiate licensing terms on behalf of libraries but to provide more information about the models and their implications for libraries – particularly in case study format that addresses the unique needs of different library types. This information could guide contract negotiations between publishers and/or authors. The Task Force discussed the possibility of engaging in more dialogue with publishers.

3. Accessibility (Working Group: Barbara Mates, Char Booth, Axel Schmetzke)

The Task Force believes that real progress can be made to enhance access to information for people with disabilities and libraries need to play a leading role. The Task Force identified barriers to identify existing guidelines, laws, and policies relating to equitable access to libraries and electronic information. The following barriers were identified:

- Libraries/librarians tend not to have insight into accessibility best practices and standards or knowhow to work with people with disabilities (e.g., how to actually use assistive technology (AT) and show patrons how to use it);
- Inaccessible library websites that erect barriers for users of AT;
- Inaccessible search and discovery tools (databases, OPACs);
- Inaccessible content (e-books, e-journals) and inaccessible containers (apps and reader devices) due to DRM and poor design/ information architecture; and
- Lack of awareness among users with disabilities that library options are available.

The Task Force discussed ways to address these barriers including raising librarian awareness of accessibility challenges and standards, taking the necessary steps to ensure library web accessibility, improving access to library e-resources by raising vendors' awareness of accessibility standard, providing model e-selection policies and best practices, and funding an external research/auditor team to conduct usability tests with people using assistive technology.

4. Public Relations (Working Group: Jackie Rafferty, Bonnie Tijerina, Floyd Pentlin)

The Task Force believes that an awareness campaign about libraries' key role in the reading ecosystem, including all formats is necessary. This working group discussed messaging to and education for various groups including the general public, publishers, authors, vendors, readers, librarians as well as state and federal policy makers. Messaging themes would include the following concepts:

- There is a need to educate and convince publishers that libraries increase book sales by promoting books and authors. Many people “try out” a book by borrowing from library and then purchase it from bookstores. Statistics are needed.
- There is a need to educate the general public in order to communicate the threats to the library resource-sharing model due to inaccessibility to e-content, and a need to rectify public misperceptions about the issues. An emphasis should be placed on patron access to quality information as we transition from analog to digital.
- All audiences need to understand the real possibility of inadequate access to e-content and publications due to arbitrary nature of e-content pricing, declining library budgets, and lack of e-content business partnerships between libraries and publishers (due to restrictive licensing or content not available for purchase by libraries).
- Legislators need to understand that the historic library resource-sharing model, which fosters literacy and education, thus contributing to an informed and engaged citizenry, is at risk.
- Authors need to understand that libraries do not hurt their “bottom line” but improve it by exposing their existing works to a wide audience and creating a market for future works. They also need to be convinced that they can and should help with this issue and cannot be innocent bystanders because they also have much at stake.

The Task Force developed key messages for each audience that could be used if such a PR campaign were undertaken. Again, the Task Force itself does not expect to develop and conduct a national campaign but feels it is an important step for ALA to take as soon as possible.

5. Model Projects (Working Group: Linda Crowe, Mark Stoffan, Jamie LaRue)

The Task Force believes that librarians should be encouraged in testing new models for acquiring and providing access to e-content. These experiments will identify successful and do-able projects that will shape the e-content marketplace, reader interest, and carve out new roles for libraries such as publishing. The Task Force will proceed with three projects that members had already set in place. One is to enhance e-book discovery in libraries with wall size displays and content servers. The second project is a partnership with the Internet Archive providing electronic access to books from the library through digitization and enhancing accessibility. The final project with Internet Archive is convincing small publishers to sell e-books directly to libraries.

Discussion of these projects may be included in EQUACC's proposed Annual program.

New Website

Recognizing the need for librarians to talk about developments like the HarperCollins decision and other arising issues surrounding access to e-content, the Task Force created an EQUACC web site (<http://www.equacc.ala.org/>). Task Force members felt it was important that ALA have a centralized, public place that would allow ALA members and the general public to become aware of the work of EQUACC, to be able to post comments, and discuss issues. The website includes a moderated forum which will have pages for each working group. EQUACC members will post regularly to the website on various topics related to access to e-content. Initial topics were generated and assigned during the retreat. Members of the OITP E-books Task Force will also contribute content to the website.

Task Force Next Steps

EQUACC continues its monthly calls and is planning a program at Annual which will be divided between discussions by the working groups on their projects and work and time for member questions and comments. EQUACC will submit a report of its activities and recommendations for ALA action to Council at Annual. EQUACC's next steps are contingent, in part, on approval from Council as well as the need for additional funding. In that vein, the Washington Office submitted a proposal for 2015 funding on behalf of the Task Force (attached).

We would be remiss if we did not acknowledge the engagement and support of ALA President Roberta Stevens who met with the Task Force during the retreat and has engaged with the co-chairs, members, and staff via multiple conference calls and emails. Additionally, the Task Force appreciates support of the ALA Executive Board, who made the retreat possible, and Washington Office staff who provided critical support throughout the retreat.

Respectfully submitted by,

Linda Crowe, EQUACC co-chair

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April 11, 2011

Presidential Task Force on Equitable Access to Electronic Content
November 2010
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HarperCollins Puts 26 Loan Cap on Ebook Circulations

By Josh Hadro Feb 25, 2011

In the first significant revision to lending terms for ebook circulation, HarperCollins has announced that new titles licensed from library ebook vendors will be able to circulate only 26 times before the license expires.

Mention of the new terms was first made in a letter from OverDrive CEO Steve Potash to customers yesterday. He wrote [emphasis in original]:

[W]e have been required to accept and accommodate new terms for eBook lending as *established by certain publishers*. Next week, OverDrive will communicate a licensing change from a publisher that, while still operating under the one-copy/one-user model, will include a checkout limit for each eBook licensed. Under this publisher's requirement, for every new eBook licensed, the library (and the OverDrive platform) will make the eBook available to one customer at a time until the total number of permitted checkouts is reached.

Though the letter leaves the publisher unnamed, HarperCollins confirmed today to *LJ* that it is the publisher referred to.

The publisher also issued a short statement: "HarperCollins is committed to the library channel. We believe this change balances the value libraries get from our titles with the need to protect our authors and ensure a presence in public libraries and the communities they serve for years to come."

Josh Marwell, President, Sales for HarperCollins, told *LJ* that the 26 circulation limit was arrived at after considering a number of factors, including the average lifespan of a print book, and wear and tear on circulating copies.

As noted in the letter, the terms will not be specific to OverDrive, and will likewise apply to "all eBook vendors or distributors offering this publisher's titles for library lending." The new terms will not be retroactive, and will apply only to new titles. More details on the new terms are set to be announced next week.

If a lending period is two weeks, the 26 circulation limit is likely to equal roughly one year of use for a popular title. For a three-week lending period, that stretches to a year and a half.

For librarians—many of whom are already frustrated with ebooks lending policies and user interface issues—further license restrictions seem to come at a particularly bad time, given

strained budgets nationwide. It may also disproportionately affect libraries that set shorter loan periods for ebook circulation.

While HarperCollins is the first major publisher to amend the terms of loan for its titles, two other members of the publishing "big six"—Macmillan and Simon & Schuster—still do not allow ebooks to be circulated in libraries, much to the consternation of librarians.

Likewise, many in the profession have pointed out publishers are overlooking the value added by librarians in promoting books and fostering book culture, a role detailed by librarian Katie Dunneback at the recent Tools of Change for Publishing conference.

Sarah Houghton-Jan, Assistant Director for the San Rafael Public Library, CA, and a blogger who has long voiced dissatisfaction with the ebook status quo, responded to the news:

Consumer market eBook vendors like Barnes & Noble and Amazon don't let publishers get away with the amount of nonsense that we get stuck with through library eBook vendors. I fault the publishers for not realizing what a huge mistake they are making by not realizing that new formats are opportunities--not threats to be quashed. I fault the library eBook vendors for not standing firm and saying "no" to asinine demands. And I fault the library profession for, to date, not standing up for the rights of our users. Our job is to fight for the user, and we have done a poor job of doing that during the digital content surge.

By contrast, Christopher Platt, Acting Director, Collections and Circulating Operations, The New York Public Library, said that he could see the move as "a great first step and an interesting development." Nevertheless, he said he would prefer an industry-wide solution rather than deals unique to a specific publisher. "We naturally gravitate to publishers that are easy to work with."

Additional publisher anxieties

The OverDrive letter also spells out concerns from publishers over geographic and territorial rights, and lending practices tied to card issuance, seemingly a sign of companies new to dealing with libraries in terms of electronic content (database publishers have long dealt in FTE or residents served).

OverDrive likewise says publishers are concerned about the size of consortia and shared collections, and "seek to ensure that sufficient copies of their content are being licensed to service demand of the library's service area, while at the same time balance the interests of publisher's retail partners who are focused on unit sales."