



# The Oberlin Group

## A Consortium of Liberal Arts College Libraries

### **On Ebooks & Libraries**

#### **A Statement by the Oberlin Group of Liberal Arts College Libraries**

Colleges and universities, democracies, and civil societies thrive only when information moves readily between institutions and peoples. No institution is self-sufficient, and none can fulfill its members' needs in isolation.

The same is true for academic libraries. None can provide its institution's faculty and students with every piece of information they may someday need. Hence libraries specialize, acquiring content central to the teaching and research at their own institutions, while relying on one another to fill gaps that occur as a matter of course.

Such dependencies are inevitable, codified over the decades in agreements struck by local, regional, national, and international consortia. This ecosystem of sharing—traditionally known as interlibrary loan—depends on trust and good faith, not only among libraries, but also between libraries and publishers. Both parties acknowledge (a) the need to borrow and (b) limits on appropriate borrowing—limits affirmed by interlibrary loan codes. Quite simply, (a) publishers acknowledge libraries' need to loan and borrow material they purchase and rent, while (b) libraries acknowledge their obligation to purchase items they request multiple times.

This system constitutes an equalizing and democratizing force. It reduces disparities between wealthy institutions and impoverished institutions. It provides citizens outside the academy with scholarly content beyond the scope of public library collections, and it provides faculty and students with content beyond the scope of traditional academic collections.

This system now faces an existential threat. The threat is simple: contractual agreements for electronic books regularly forbid sharing those publications with persons outside the licensing institutions.

When libraries purchase print books, they own those books and—under the first-sale doctrine—may lend them to the persons and institutions they choose. But new licensing agreements for electronic books threaten this infrastructure and the values it enshrines. While (a) librarians still acknowledge their obligation to compensate publishers for use that exceeds fair use, (b) publishers that demand restrictive licensing agreements have effectively abandoned their decades-long acknowledgement of libraries' need to share material.

The [Oberlin Group](#), a consortium of liberal arts college libraries in the U.S., submits that we libraries accept such licensing restrictions at our peril. When we purchase or rent material we cannot share with citizens beyond our campus borders, we turn our backs on a great strength of

the academy—the ability to build complementary collections and share them in good faith with researchers and the community of readers.

Long-standing relationships between publishers and libraries must continue, to our mutual benefit. We acknowledge that many good publishers are struggling. Our goal is not to harm or constrain the activities of good presses adhering to ethical practices. In fact we remain particularly sympathetic to presses committed to the hard work of publishing academic books.

Our intent, rather, is to suggest that libraries and presses *work together* to make material available to all who need it—to use digital technology cooperatively to promote rather than constrain the dissemination of scholarship. We affirm libraries' obligation to buy books central to their institution's curriculum and research. And we oppose piracy and illegal file sharing in all forms. We expect in return that publishers work with us to realize our shared mission: making good scholarly literature available to everybody who needs it.

To summarize, we do not live in isolation. We all find ourselves impoverished—always indirectly and sometimes directly—when information fails to reach those in need. Our commitment to sharing is fundamental, as is our commitment to promoting and demanding models that make such sharing possible.

*We thus assert the following: Contracts without provisions for transmitting material beyond our home institutions undermine our commitments to each other and artificially circumscribe the larger scholarly ecosystem. They constrain the research of students and faculty at our home institutions, who will soon find themselves unable to obtain essential material from institutions failing to secure such provisions. Looking out for ourselves means looking out for others.*

In light of these assertions, we advocate the following principles:<sup>1</sup>

1. Contracts should allow libraries to provide a temporary copy of the work to another library in response to a user request, in a manner that is neither cumbersome nor awkward for patrons or library staff.
2. Contracts should allow libraries to transfer electronic content efficiently and electronically, i.e., with minimal use of paper.
3. Software should allow libraries to control the parameters of circulation (loan periods, renewals, recalls, etc.) and to limit access to a single user when contracts do not authorize use by multiple, simultaneous users.
4. Contracts should impose no limits on the number of times a patron may access an e-book; neither should they impose additional costs for multiple uses.
5. Contracts should provide options for archival and perpetual access.
6. Software should allow patrons to download content and to use said content on multiple, standard-use platforms and devices.

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<sup>1</sup> Adapted from *E-Book Rights Advocacy* (St. Paul, MN: Dewitt Wallace Library, Macalester College, 2013), <http://www.macalester.edu/library/changingebooksforlibraries/advocacy>, accessed 21 January 2013, which draws in part from the *IFLA Principles for Library E-Lending* (The Hague: IFLA, 2013), <http://www.ifla.org/node/7418>, accessed 21 January 2014.

7. Contracts should forbid publishers from using or sharing patron data if such use allows publishers to identify an individual without that individual's permission.
8. Publishers should offer libraries the ability to purchase individual titles apart from bundled packages.
9. Publishers should offer libraries the ability to purchase licenses for unlimited simultaneous users—for short or long periods—at fair prices.
10. Reading software should allow readers to copy text and media within publications, paste it, and print it.
11. Contracts should allow libraries to insert metadata that accompanies publications into library systems and discovery layers.
12. Content should comply with ADA accessibility requirements and work with text-to-speech engines.

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Elizabeth Bagley  
Director of Library Services  
Agnes Scott College

Claudia Diaz and Michael Van Houten  
Library Co-Directors  
Albion College

Carla Tracy  
Library Director  
Augustana College

Bryn Geffert  
Librarian of the College  
Amherst College

Jeff Katz  
Dean, Information Services  
Bard College

Lisa Norberg  
Dean of Library & Academic Information Services  
Barnard College

Megan Fitch  
Chief Information Officer  
Beloit College

Anne Chase  
Director of Library Services  
Berea College

Marjorie Hassen  
College Librarian  
Bowdoin College

Param Bedi  
Vice President, Library & Information Technology  
Bucknell University

Brad Schaffner  
College Librarian  
Carleton College

Kevin Mulroy  
Dean  
Claremont Colleges Library

Gwen Arthur  
University Librarian  
Clark University

Kathleen Carney  
Director of Library Services  
College of the Holy Cross

Kathleen Parker  
Director of Libraries, Media and Archives  
College of Saint Benedict | Saint John's University

Mark Christel  
Director of Libraries  
College of Wooster

W. Lee Hisle  
Vice-President for Information Services  
and Librarian of the College  
Connecticut College

BethAnn Zambella  
Director of Libraries  
Denison University

Rick Provine  
Director of Libraries  
Depauw University

Eleanor Mitchell  
Director of Library Services  
Dickinson College

Andrew D. Scrimgeour  
Dean of Libraries  
Drew University

Neal Baker  
Library Director  
Earlham College

Jamie Gill  
Library Director  
Eckerd College

Pamela Snelson  
College Librarian  
Franklin & Marshall College

Janis Bandelin  
Director of Libraries  
Furman University

Robin Wagner  
Dean of the Library  
Gettysburg College

Daniel Mollner  
Library Chair  
Gustavus Adolphus College

David Smallen  
VP for Libraries and IT  
Hamilton College

Terry Snyder  
Librarian of the College  
Haverford College

Kelly Jacobsma  
Director of Libraries  
Hope College

Stacy Nowicki  
Library Director  
Kalamazoo College

Amy Badertscher  
Director of Library Services  
Kenyon College

Jeffrey A. Douglas  
Director of the Library  
Knox College

Neil McElroy  
Dean of Libraries  
Lafayette College

Jim Cubit  
Director of Library and Information Technology  
Lake Forest College

Pete Gilbert  
University Librarian  
Lawrence University

Teresa A. Fishel  
Library Director  
Macalester College

Maire Duchon  
Library Director  
Manhattan College

Loretta Parham  
CEO & Library Director  
Morehouse & Spelman Colleges  
Atlanta University Center Woodruff Library

Alex Wirth-Cauchon  
Interim CIO and Executive Director of LITS  
Mount Holyoke College

Ray English  
Director of Libraries  
Oberlin College

Robert Kieft  
College Librarian  
Occidental College

Catherine Cardwell  
Director of Libraries  
Ohio Wesleyan University

Virginia E. Young  
Library Director  
Randolph-Macon College

Darlene Brooks  
Library Director  
Rhodes College

Jonathan Miller  
Library Director  
Rollins College

Michael Alzo  
Director of Libraries  
St. Lawrence University

Roberta Lembke  
Director of IT and Libraries  
St. Olaf College

Bobbie Smolow  
Acting Library Director  
Sarah Lawrence College

Ruth Copans  
College Librarian  
Skidmore College

Christopher B. Loring  
Director of Libraries  
Smith College

Peggy Seiden  
College Librarian  
Swarthmore College

Diane Graves  
University Librarian  
Trinity University (TX)

Frances Maloy  
College Librarian  
Union College

Kevin Reynolds  
Associate University Librarian  
University of the South

Sabrina Pape  
Director of the Libraries  
Vassar College

John Lamborn  
Library Director  
Wabash College

John Tombarge  
University Librarian  
Washington and Lee University

Ian Graham  
Director of Library Collections  
Wellesley College

Deb Dancik  
AVP of Academic Affairs and University Librarian  
Willamette University

Pat Tully  
University Librarian  
Wesleyan University

Susan Wawrzaszek  
Associate Vice President  
Wheaton College (MA)

Dalia Corkrum  
Library Director  
Whitman College

Laurel Crump  
Library Director  
Whittier College

David M. Pilachowski  
College Librarian  
Williams College