

**TO: Steve Perez, Sacramento State Provost
Sasha Danna, Campus Counsel**
**FROM: Amy Kautzman, Dean & Director University Library, Sacramento State
Chair of Council of Library Deans**
Proposal: Plan for Digitization on Demand / Controlled Digital Lending
DATE: June 5, 2020

The CSU Library deans expect that while our libraries are actively supporting research and instruction, physical access will be extremely limited for the next academic year. With this in mind, the libraries are actively designing alternative methods for providing access to materials in our physical library collections. While in the last two decades use of library e-resources has soared, traditional print lending continues to be robust, with close to a million checkouts by students and faculty every year. Scholars will be hurt if denied access to necessary titles.

One solution the CSU Libraries have considered is fulfilling requests via Controlled Digital Lending (CDL). CDL is a practice whereby a library lends a digital proxy of a print book in its collection to a library patron while making the physical book unavailable for use until the digital proxy copy is returned (or access to it expires through industry standard technological controls) This practice resembles the CSUs' "Digitization OnDemand" service for audio/visual content already approved by system counsel and likely to provide a model for a CDL text digitization program.

The CDL approach has real value. According to the Scholarly Publishing and Academic Resources Coalition (SPARC), more than [20 academic and public libraries](#) in the United States and Canada use CDL to provide books to patrons who never enter the physical library. In addition to supporting student success for online students, SPARC observed that CDL enables 24/7 access to materials as well as creating a lending model for rare books and other materials. <https://sparcopen.org/news/2019/opening-up-reach-of-libraries-with-controlled-digital-lending/> In a year when CSU students, for the most part, will not come to campus, this CDL practice would provide a valuable and necessary service to our faculty and students.

The CSU Libraries are hereby informing our academic leadership and Chancellor's Office that we are adopting CDL during this time of denied building/collection access and unimaginable limitations. There are public entities (The Internet Archives) that engage in digital lending practices that are under fire by the for-profit publishers. Our approach is a more cautious one that is in line with the academic fair use part of copyright law; allowing us to serve our students and faculty while fully in line with the law.

For a Position Statement on Controlled Digital Lending along with detailed legal reasoning, please visit this site: <https://controleddigitallending.org/statement>. The statement addresses and answers how both the exhaustion doctrine and the fair use doctrine support CDL.

We believe this approach will help us better serve our constituents in these unusual times. I look forward to sharing the CSU-wide solution the libraries develop.