

**2012 MIDWINTER MEETING**

**IMPLEMENTATION REPORT**

**TO ALA COUNCIL**

**AT THE**

**2012 ANNUAL CONFERENCE**

**ANAHEIM, CALIFORNIA**

## REPORT ON THE IMPLEMENTATION OF THE 2012 ALA MIDWINTER MEETING COUNCIL ACTIONS

ALA Policy 5.4 requires the Executive Board or its delegates to report to Council on the status of implementation of motions and resolutions passed by Council during the preceding year. The report shall be entered in the Council minutes.

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**Document Number/Title of Document:** ALA CD#17, Policy Monitoring Committee Report, Item #1, Revision of ALA Policy 8.5.1, **Long Term Investment Funds: Association's Use/Withdrawal and Repayment**

**Implementation Action:** Based on 2010-2011 CD#16.1, Endowment Trustees Report, Exhibit 13 (ALA Annual Conference 2011), submitted by the ALA Treasurer and the Endowment Trustees, **APPROVED** by the ALA Council, the PMC moves that Policy 8.5.1 be revised to read:

### **8.5.1. Long Term Investment Funds: Association's Use/Withdrawal and Repayment**

In the preparation of the ALA annual budget, the ALA Executive Director is authorized to include a **payout rate of 3% - 5% of the five-year trailing calendar quarterly (20) rolling average of the net asset balance of the ATA Future Fund. Additionally, the Executive Directors of the Divisions and the liaisons for the Round Tables and others responsible for endowment funds are authorized to include in the preparation of their annual budgets, the anticipated payout value as provided by the Finance department. The payouts will be subject to any donor restrictions related to a particular fund and will be made from allowable temporarily restricted and unrestricted net assets. Additionally, the annual payout rate (3% - 5%) will be reviewed, determined and recommended by the ALA Endowment Trustees and the Finance and Audit committee of the ALA Executive Board, with final approval by the ALA Executive Board.**

### **Use of Fund**

Listed below are the primary instances **whereby additional funds may be withdrawn from** the Long-Term Investment Fund can be made.

- A. Program Support  
The General Fund, Divisions and Round Tables can request funds from their respective long-term investment funds to support one-time programs.
- B. Emergencies  
Emergencies will include financial disaster due to a major revenue shortfall, act of God, building catastrophe, major lawsuit, etc.
- C. New Initiatives  
New Initiatives will include projects or programs that are multi-year in nature and deemed important to the future of the Association, Divisions, Round Tables or units.

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Amounts requested to be withdrawn in excess of **the determined payout rate** will require repayment with interest.

- D. Scholarships & Awards  
Allowable withdrawals from temporarily restricted and unrestricted Long-Term Investment funds designated for named scholarships and awards will be made to the extent necessary to support the award or scholarship according to its stipulations and requirements. If the **funds available from the annually determined payout rate of 3%-5% of a named** scholarship or award is not adequate, the amount in the temporary restricted and unrestricted investments designated for named scholarships may be used up to the limits of any permanent or donor restrictions.
- E. Life Membership Funds  
Allowable withdrawals from temporarily restricted and unrestricted Long-Term Investment funds designated for Life Membership will be made from the Life Membership Fund to the extent necessary to support the annual membership fee for the participants.
- F. Transfer of Existing Funds  
It is allowable to make a transfer from existing unrestricted funds for the establishment of a new and or in support of an existing scholarship fund, program or initiative fund within the Long-Term Investment Fund.

**Withdrawal-Transfer-Repayment**

**Each withdrawal for any of the purposes** referenced in A, B, C and the **annually determined payout rate of 3%-5% of the five-year trailing calendar quarterly (20) rolling average net asset balance must be approved by the Executive Board.**

Withdrawals from the Long-Term Investment Fund **above and beyond the annually determined payout rate of 3% - 5% of the five-year trailing calendar quarterly (20) rolling average net asset balance, for any of the following events:**

- a. Program Support
- b. Emergencies
- c. New Initiatives

**will require repayment at the prevailing ALA borrowing rate with the term to be recommended by management and approved by the Executive Board.**

The annual withdrawal of interest and or dividends from the Long-Term Investment Fund will not require repayment.

**Response:** The revised policy was recodified and replaced in the online *ALA Policy Manual*.

**Document Number/Title of Document:** ALA CD#17, Policy Monitoring Committee Report, Item #2, Revision of ALA Policy 5.3., Guidelines for Preparation of Resolutions to Council,

**Implementation Action:** Based on CD#45, Recommendation 3.2, (ALA Annual Conference 2011), submitted by the Presidential Task Force for Improving the Effectiveness of ALA's Council, **APPROVED** by the ALA Council, PMC moves that Policy 5.3 (Council Resolutions: Guidelines for Preparation of Resolutions to Council), provision #6 of the "Content" section and provision #1 of the "Process" section be revised to read:

Content:

6. Resolutions should clearly support **ALA's Strategic Plan as well as its mission/or its core values.**

Process:

1. All resolutions submitted by Council members must be sent to the ALA Resolutions Committee for review and must be accompanied by a completed ALA Resolution Form. **A supplemental explanation consisting of one or more expository paragraphs should accompany every resolution clearly stating how the resolution supports ALA's Strategic Plan as well as its mission and/or its core values. This supplementary explanation is not a part of the resolution proper.**

**(Revised: 1995 MW; 1999 AC; 2000 AC; 2003 AC; 2008 AC; 2011 AC)**

**Response:** The revised policy was recodified, replaced in the online *ALA Policy Manual*, and the *Guidelines*.

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**Document Number/Title of Document:** ALA CD#17, Policy Monitoring Committee Report, Item #3, Revision of Policy 5.5.2 (Council/Executive Board/Membership Information Session) and Policy 7.4.10 (Membership Meetings)

**Implementation Action:** Based on CD#45, Recommendation 5.1, (ALA Annual Conference 2011), submitted by the Presidential Task Force for Improving the Effectiveness of ALA's Council, **APPROVED** by the ALA Council, PMC moves that Policy 5.5.2 (Council/Executive Board/Membership Information Session) and Policy 7.4.10 (Membership Meetings) be revised as follows:

Policy 5.5.2 Council/Executive Board/Membership Information Session

At each Midwinter Meeting, there shall be at least one session of Council with the Executive Board for information only, to be held prior to other meetings of Council. Any member of the Association may participate in the information session.

Policy 7.4.10 Membership Meetings

A membership meeting shall be held during the Annual Conference, excluding days when pre-conferences are held, **prior to the meetings of Council.**

**Document Number/Title of Document:** ALA CD#17, Policy Monitoring Committee Report, Item #3, Revision of Policy 5.5.2 (Council/Executive Board/Membership Information Session) and Policy 7.4.10 (Membership Meetings) (**continued**)

**The membership meeting shall consist of:**

- **A session during which the Executive Board, Council, and members may provide information to one another. Any member of the Association may participate in this information session.**
- **A session during which the voting members of the Association may exercise their authority to act as set out in Article VI, Sections 9(a) and 4(c) of the Constitution.**
- **Memorials, tributes, and testimonials may be mentioned by the presiding officer.**

**Membership meetings may also be held** at such times as may be set by the Executive Board, Council, or by membership petition, as provided for in Article II, Section 4 of the Bylaws.

**Response:** The revised policy was recodified, and replaced in the online *ALA Policy Manual*.

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**Document Number/Title of Document:** ALA CD#27, Committee on Organization Report on the Composition of the Committee on Education

**Implementation Action:** The ALA Council, **AMENDED**, the composition of the Committee on Education by adding a non-voting representative from the AASL Educators of School Librarians Section.

**Response:** The ALA Council's action was communicated to Lorelle Swader, director, ALA Office for Human Resource Development and Recruitment, and staff liaison, Committee on Education.

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**Document Number/Title of Document:** ALA CD#24, ALA Honorary Membership

**Implementation Action:** The ALA Council **VOTED**, to bestow an ALA honorary membership upon Betty J. Turock and Jack Reed.

**Response:** The ALA honorary memberships will be awarded during the ALA Opening General Session, Friday, June 22, 4:00pm-5:15pm, ACC- Ballroom A-E.

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**Document Number/Title of Document:** Memorials Resolutions, M-# 1-4, and Tribute Resolution, T-# 1-5.

**Implementation Action:** The ALA Council **ADOPTED**, the following memorials for **ADOPTED**, the following memorials for Dorothy Broderick, M-#1; D. Whitney Coe, M-#2; John Minto Dawson, M-#3; and Robert W. Houk, M-#4.

Also, the ALA Council **ADOPTED**, the following tributes Jill Nishi, T-#1; Lois Ann Gregory-Wood, T-#2; Maryellen Trautman, T-#3; William J. Boarman, T-#4; and the Norman A. Sugarman Children's Biography Award, T-#5.

**Response:** All memorial and tribute resolutions were disseminated as directed by the resolutions.

From Lois Ann Gregory-Wood: "It is a great honor to receive the wonderful tribute resolution from such an august body. Thank you for placing me in such high regards."

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**Document Number/Title of Document:** ALA CD#11.2, Tellers Report on the ALA Executive Board Election

**Implementation Action:** The ALA Council **ELECTED**, the following persons to a three-year term on the Executive Board (2012-2015): **Robert (Rob) Banks**, Chief Operating Officer, Topeka and Shawnee County Public Library, Topeka, KS; **Alexia I. Hudson**, Reference and Instruction Librarian, Pennsylvania State University, Abington College, Abington, PA; and **John A. Moorman**, Director, Williamsburg Regional Library, Williamsburg, VA.

**Response:** The newly elected Board members will begin their terms at the close of the 2011 ALA Annual Conference. They will be seated at the first meeting of the 2012-2013 Executive Board in Chicago, IL, October 26-28, 2012.

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**Document Number/Title of Document:** Council Intellectual Freedom Committee Report on Resolution on, ALA CD#19.1, Resolution Opposing Restriction to Materials and Open Inquiry in Arizona Ethnic and Cultural Studies Programs

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#19.1, Resolution Opposing Restriction to Materials and Open Inquiry in Arizona Ethnic and Cultural Studies Programs, as amended to read:

That the American Library Association (ALA):

1. Condemns the suppression of open inquiry and free expression caused by closure of ethnic and cultural studies programs on the basis of partisan or doctrinal disapproval.
2. Condemns the restriction of access to educational materials associated with ethnic and cultural studies programs.
3. Urges the Arizona legislature to pass HB 2654, "An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum."

**Response:** As a way to explore the implications of Arizona's controversial ban on Mexican-American studies, the Intellectual Freedom Committee along with the Association of American Publishers and REFORMA, will present the panel discussion, "Ethnic Studies Under Fire: The Role of Publishers, Librarians, Teachers, and Activists," at the Anaheim Convention Center room 201D, on Monday, June 25, from 1:30 to 3:30 PM. H.B. 2654 remains pending before the Arizona legislature.

**Document Number/Title of Document:** ALA Committee on Legislation Report on ALA CD#20.1, Revised, Resolution Opposing the Research Works Act

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#20.1, Revised, Resolution Opposing the Research Works Act, as amended to read:

“That the American Library Association (ALA):

1. Urges the U.S. Congress to reject the Research Works Act, H.R. 3699, because it not only threatens future public access to federally funded research, but also nullifies the public access already provided to peer-reviewed journal manuscripts resulting from NIH funding.
2. Reaffirms its support for the expansion of the NIH public-access policy to other federal agencies and departments.”

**Response:** ALA CD#20.1, Revised, Resolution Opposing the Research Works Act, required no action as the bill’s sponsors abandoned the legislation. On February 27, 2012, U.S. House of Representatives co-sponsors Rep. Darrell Issa (R-CA) and Rep. Carolyn Maloney (D-NY) withdrew support for their bill, the Research Works Act (H.R. 3699). In a joint statement released by the representatives they explained, “...we will not be taking legislative action on H.R. 3699, the Research Works Act.”

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**Document Number/Title of Document:** ALA Committee on Legislation Report on ALA CD#20.2, Resolution Opposing the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (PIPA) and the Stop Online Piracy Act (SOPA)

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#20.2, Resolution Opposing the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (PIPA) and the Stop Online Piracy Act (SOPA), which read:

“That the American Library Association (ALA):

1. Urges Congress to reject both the S. 968, PIPA bill in the U.S. Senate and H.R. 3261, SOPA bill in the U.S. House of Representatives because they compromise such fundamental rights as free speech, intellectual freedom, and privacy in an attempt to target foreign websites and combat online infringement overseas.
2. Opposes any legislation that compromises ALA’s core principles and stifles the dynamic, innovative potential of the global Internet.”

**Response:** ALA CD#20.2, , Resolution Opposing the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (PIPA) and the Stop Online Piracy Act (SOPA), required no action as the bills’ sponsors withdrew support for the legislation. On January 20, 2012, U.S. House of Representative Lamar Smith withdrew support for the bill he sponsored, the Stop Online Piracy Act (H.R. 3261) or SOPA. His action, on the heels of a very public “Blackout Day” on the internet resulted

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in the indefinite postponement of SOPA and its U.S. Senate companion bill, the Opposing the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (S. 968) or PIPA. Therefore, no action was needed on the ALA Resolution Opposing the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (PIPA) and the Stop Online Piracy Act (SOPA).

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**Document Number/Title of Document:** ALA Committee on Legislation Report on ALA CD#20.3, Resolution on the Loss of Crucial Government Information

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#20.3, Resolution on the Loss of Crucial Government Information, which read:

“That the American Library Association (ALA):

1. Urges U.S. Congress to restore funding to ensure permanent no-fee public access to aggregated sources of government information.
2. Urges the establishment of a mandated process with adequate notification to include the opportunity for public notice and comment with consultation by librarians, researchers, small businesses and other appropriate stakeholders before decisions are made to discontinue access to current or historical information resources when the federal government initiates, significantly modifies, or terminates information products.
3. Urges Congress to require that agencies discontinuing access to current or historical information resources transfer the content and related functionality to the U.S. Government Printing Office or other public institutions that can ensure continued no-fee digital access to this information.
4. Urges Congress to improve the federal government's policies and capabilities for making government information available to the public in an open, timely, participatory, and transparent manner.”

**Response:** ALA CD#20.3, Resolution on the Loss of Crucial Government Information, was sent to the members of the House and will again be utilized as the Washington Office seeks to ensure the continuity of resources such as the American Community Survey.



**Document Number/Title of Document:** ALA CD#35, Resolution on Publishers and Practices Which Discriminate Against Library Users

**Implementation Action:** The ALA Council **ADOPTED**, ALA CD#35, Resolution on Publishers and Practices Which Discriminate Against Library Users, as amended to read:

“That the American Library Association (ALA):

1. Opposes any discriminatory policies of publishers and distributors which adversely impact access to content by library users.
2. Directs that the Working Group on Digital Content in Libraries to review the situation and recommend appropriate action and/or appropriate parties who should be informed of this resolution.

**Response:** The following statement was received from Alan Inouye, director, ALA Office for Information Technology Policy: “Some publishers and distributors have ebook business policies and practices that are adverse to the interests of libraries. The Working Group finds that the most egregious behavior is practiced by several of the largest trade publishers who severely limit or wholly prohibit any business dealings with libraries with regard to ebooks.

Since the 2012 Midwinter Meeting, members and staff of the Working Group, in concert with the ALA President, ALA President-elect, and ALA Executive Director, have met with six of the largest publishers and four of the largest distributors to establish relationships and advocate for library interests. The Working Group has also been analyzing ebook business models and licensing agreements and pursuing other activities. For a more extensive report, see the Working Group's written submission for its Council I presentation at the 2012 Annual Conference.”