



Digital Public Library of America: Governance Workshop
National Archives and Records Administration
Friday, August 31, 2012

Workshop Participants:

Matt Burrows – Independent

Eva Caldera – National Endowment for the Humanities

Perry Collins – National Endowment for the Humanities

Ginnie Cooper – District of Columbia Public Library and Governance Workstream

David Curry – davidrcurry Associates

Robert Darnton – Harvard University Library and Governance Workstream

Blane Dessey – Library of Congress and Financial/Business Models Workstream

David Ferriero – National Archives and Records Administration and Governance
Workstream Co-chair

Martin Gomez – University of Southern California Libraries and Financial/Business
Models Workstream

Kevin Guthrie – ITHAKA and Financial/Business Models Workstream

Nancy Gwinn – Smithsonian Institution and Governance Workstream

Susan Hildreth – Institute for Museum and Library Services and Governance
Workstream

Jim Leach – National Endowment for the Humanities

Deanna Marcum – Ithaka and Governance Workstream

John Palfrey – Phillips Academy, Andover and Governance Workstream Co-chair

David Rothman – LibraryCity.org

Tom Sanville – LYRASIS and Financial/Business Models Workstream

David Spadafora – The Newberry and DPLA Steering Committee

Maureen Sullivan – American Library Association President and Governance
Workstream

Barry Szczesny – Independent Consultant

Kenny Whitebloom – Berkman Center for Internet & Society and DPLA Secretariat

Pamela Wright – National Archives and Records Administration and Technical
Aspects Workstream

Welcome and Briefing

The DPLA Governance workstream hosted its second workshop at the National Archives and Records Administration in Washington, DC on Friday, August 31, 2012.

David Ferriero, co-chair of the Governance workstream, called the meeting to order at 9:00 a.m., welcoming those assembled at the National Archives. He extended special greetings to Robert Darnton. He also extended special thanks to Jim Leach of the National Endowment for the Humanities and Kenny Whitebloom, DPLA project coordinator, for attending.

John Palfrey, co-chair of the Governance workstream, provided a brief summary of events since the Governance Workstream's last meeting, as well as a status update. Two significant events are afoot for the DPLA, one of which will be the creation of a 501(c)(3) charter for the organization. Due to telephonic interference, Chair Palfrey turned over the opportunity for remarks to Robert Darnton.

Mr. Darnton said this is a period of transition for the DPLA effort. Things are "on the rails and momentum is increasing." Where previous concerns had been focused on the back end of DPLA efforts, now the focus seems to be shifting to the front end: How will data be made available to the public? The Technical Development team is close to choosing a front-end design firm that will spearhead design and development of a front-end website for the DPLA, one participant noted, and work to develop an integrated system is well underway. Darnton noted the increased interest in the organization's bylaws and governance, as well as the role of the Executive Director. Where will DPLA's headquarters be, and what does this mean for the distributed system being created? What will be the nature and extent of independent digital projects and public outreach? He noted the good outreach to public libraries and also that there needs to be more outreach to community libraries.

Mr. Whitebloom said legal work for the DPLA was being done pro-bono by the firm of WilmerHale. Eva Caldera described the basic concept of the [grant from the National Endowment for the Humanities to the DPLA](#): to establish pilot hubs to work through issues of integrating collections, looking especially at collections with uptake or digitization issues. The overall goal is universal accessibility.

Susan Hildreth said the grant constitutes an excellent effort building on existing infrastructure. One of the main goals for 2013 will be bringing content to the DPLA. Legal agreements will need to be created. Mr. Darnton said there are essentially two kinds of hubs: content and service. The NEH grant is "a huge leap forward" to preserve cultural heritage, and that many hubs need to be created and the grant is the first step in this direction. Mr. Ferriero said he has spent a lot of time thinking about the federal budget situation. The White House has an initiative to fund innovative ideas. There are "lots of hooks" for DPLA to obtain more funding.

Establishing the DPLA as a 501(c)(3)

Maureen Sullivan suggested beginning the discussion of what the Workstream would like to see in the DPLA's bylaws. She and other members have been working with Josh Fox of WilmerHale to develop bylaws. She sought areas of interest to take back for development.

David Curry said, since a distributed service model is being developed, the bylaws need to be robust while not too constraining. "Exit ramps" need to be incorporated so as not to constrain the new Board. He suggested bylaws that are spartan in nature since the organization will evolve rapidly and its mission is still in flux. The new Board must be granted space to operate in this environment.

Martin Gomez asked whether it was intended that the DPLA be a global organization, and if so, does this change the approach that should be taken to the bylaws? Mr. Curry said when the DPLA goes live, it will by its nature be global. In this regard, Mr. Curry asked about whether the bylaws would be complemented or extended by a terms of reference document similar to those used in many global organizations where collaboration involves governments, NGOs and commercial entities. He noted that bylaws pertain mostly to how a group manages its internal structures, while terms of reference define how an organization relates to those outside itself. He cited the relationship with Europeana as an example. Mr. Darnton said DPLA is not an exclusively national organization, though it is aimed at broad constituencies in the United States.

Deanna Marcum said the nature of membership in DPLA will affect the organization's bylaws and the shape of the organization itself. So much depends on where a database resides, she said. If contributing organizations retain collections until DPLA asks for them, that changes how DPLA looks and works. Mr. Darnton said these decisions have not yet been made. There exists a spectrum ranging between collections remaining at their home bases and the creation of a centralized database; where will DPLA lie on this spectrum?

Nancy Gwinn asked what membership consists of: Does membership entail contribution of content? What about money: grants, contributions, dues? She said we are not ready yet to answer these questions. Mr. Curry said this is the kind of question for which the new Board will need onramps. What sort of elective powers and financial obligations will the Board have?

Mr. Whitebloom said that the DPLA is aiming to submit articles of incorporation and other filings by September 2012. David Spadafora said the DPLA will be incorporated in Delaware, and that this will have implications for its bylaws.

Kevin Guthrie said the boundaries of what belongs to the DPLA must be defined, for example, metadata. Europeana is clear about pointing to other documents. Mr. Palfrey said, with respect to content, other organizations are seen as partners, presuming they will contribute content and metadata. Data will be housed in a distributed paradigm, possibly with some sort of central repository. Mr. Ferriero said the DPLA has been

envisioned as providing a pointer to what is out there. He asked how the creation of new content might be funded. Mr. Curry said the quality of the purpose statement will be the driver for everything else. The Executive Director must complement the Board and the bylaws. Mr. Palfrey agreed.

Mr. Gomez asked what membership would require, for instance, in terms of voting? Would there be annual meetings or otherwise? He said the bylaws need not be too specific. Will the Executive Director have a vote on an Executive Board? Will the Board represent members?

Ginnie Cooper said there are a variety of ways in which members might participate in DPLA, which suggests categories of membership. Meetings should be open whenever possible, and should include members. Mr. Darnton agreed, saying DPLA should be built on principles of inclusion and transparency. None of the [proposed models](#) (Europeana, ALA, etc.) really fit very well, he felt. The concept of membership is problematic. There should be a meeting of the membership at least once a year, but who should attend? These are open questions that have not yet been answered; these types of issues will be addressed in the DPLA's bylaws.

Mr. Curry said consideration should be given to financial sustainability. For-profit institutions may want to contribute content or money to DPLA; if DPLA is open to this kind of support, how will representation be delivered? The implications of public and/or private funding must be thought through. Mr. Ferriero said some corporations have content in which DPLA is interested.

Ms. Gwinn asked who will have input into how DPLA raises and spends money. Answers to these sorts of questions will depend on where the headquarters is, who the financial manager is, and who is paying for digitization projects, among other questions. She referred to the experience of evolving bylaws at the Biodiversity Heritage Library (BHL). Mr. Curry said BHL is a good model. A baroque structure should be avoided, though complexity seems to have helped BHL.

Mr. Guthrie said it is important to make clear whether DPLA is to be established as a "membership organization" in the legal sense, with all that is implied by that structure. Ideally, the organization's structure should match what is most important to its success: would it be representing the needs of members, providing services, public access?" Mr. Curry said these questions underline the importance of the purpose statement.

Ms. Gwinn said, though this will be a global enterprise, there will be vast amounts of data for interests of Americans. Ms. Marcum said, though global interests may emerge with time, we should figure out the national model first.

Ms. Hildreth said she doesn't see DPLA as a membership organization built to help its members, though providing platforms may help lower-resourced members to make content available. The focus is on helping the American people. Perhaps membership isn't the right word. Mr. Darnton agreed; membership implies power and direction. No one has envisioned the DPLA to provide deliverables. Instead, it is for providing content

to the American people. Mr. Ferriero said stakeholder communities need to help shape the DPLA, adding that stakeholderhood is important and must be considered in all decisions. Mr. Guthrie said attention should be paid to the mechanisms of public service and delivery of the actual product.

Mr. Leach suggested something along the lines of “Associated Member” rather than “contributor.” The DPLA needs a self-generating Board. The state councils of the NEH may be a model for the DPLA. Protection against politicization must be included. Bylaws could dictate participation by certain groups or interests, examples being ALA, LOC, NARA, etc. DPLA needs legitimization and impetus. The bylaws should allow for expanding seats on the Board in order to include “angels,” possibly from business, who can help the organization.

Mr. Curry suggested the GAVI Alliance (formerly the Global Alliance for Vaccines and Immunization) as a model for DPLA governance. Museums commonly have several management boards. Mr. Palfrey said management involvement should be extended rather than contracted, and the mechanisms to accomplish this should be thought through.

After a brief break, Mr. Ferriero brought the meeting back to order, saying that the ensuing discussion on the Mission statement was for the purpose of discussing broad ideas, not wordsmithing. Mr. Darnton said the proposed statement “*to make the cultural and scientific record available to all via a large-scale digital public library; maintain an open, distributed network of comprehensive online resources*” leaves out the matter of open access. DPLA is a service to the American people to be provided free of charge. Ms. Gwinn said the statement should espouse what the hoped-for outcome is. A discussion of the notion of citizen-scholars was undertaken.

Mr. Curry suggested the creation of metrics against which DPLA would operate. To do so may help answer other questions such as those pertaining to the organization’s bylaws and/or the role of the Executive Director. Mr. Ferriero agreed. The DPLA should capitalize on the fact that digital content is and will continue to be used in ways which had not been conceived of. Mr. Curry suggested making projections beyond standard time horizons, perhaps looking out to 2020 or 2035. The purpose statement should be robust enough to look back from a perceived end state in order to guide current decision-making.

Ms. Gwinn said the mission statement should include language that copyright will be respected and followed. There was disagreement on this subject: whether it should be in the mission statement, whether saying it was tantamount to saying DPLA will follow the law, consistent messaging of the DPLA’s respect for law.

Blane Dessey said the purpose statement could be used to reassure other organizations that the DPLA does not intend to replace them. Ms. Marcum said the statement should include language on equality of access. The goal is access for everyone. Mr. Gomez asked, since the emphasis is on the library, how should museum, cultural heritage and scientific institutions view their involvement? Mr. Ferriero said inclusive language is key

to answering this question.

David Rothman said, instead of creating citizen-scholars, the goal should be “development of citizens.” Hence his advocacy of a dual system based on academic and general-use tracks. He is concerned about the changing political mood in the country, that there exists the prospect of censorship. Ms. Cooper dislikes using the word “citizen” here as it limits the involvement of non-citizens. The academic and general-use communities are not monoliths. Mr. Darnton said language should include the DPLA as a vehicle for the sheer pleasure of reading.

Mr. Palfrey said a highly scalable and flexible approach is needed to accommodate different uses and users. We cannot anticipate how people will use the DPLA. Several “landing points” (future states that may help develop the mission statement, etc.) were suggested: free, equitable, effective access to content; civic literacy; focus on amassing content and making it available; enlisting other organizations to create the means of connection. Mr. Palfrey said that the DPLA will be free to end users, though this does not mean that no one is paying for it.

Ms. Sullivan said the Statement of Principles should enable others to provide service. Other principles mentioned were: inclusiveness, transparency, innovation, intellectual freedom, access, lifelong learning, excellence, privacy, joy, etc. Mr. Darnton suggested empowerment and “democratization of access to our cultural heritage” be included as well. There was general agreement that ease of contribution is a principle of DPLA. Ms. Gwinn asked about the limits of DPLA inclusivity; is some material unacceptable? Ms. Marcum said, if institutions are approached first for content material, vetting will be taken care of automatically. Individual participation may follow later. Ms. Cooper suggested individual participation could be mediated by institutional vetting.

Recruiting an Executive Director

Ms. Sullivan created a draft outline for the Position Description/recruitment announcement of the DPLA Executive Director. Ms. Gwinn said the role of the Executive Director is to represent and promote the DPLA. Mr. Curry suggested the role has a development aspect, and asked whether an operational position (COO) should also be created.

Mr. Guthrie said the Board should identify three mission-critical objectives to be accomplished in the first two years, and choose a candidate based on those conditions. The candidate must know how to start an organization and begin service delivery, participants agreed, noting that the Board should include someone with startup experience.

Mr. Darnton said the successful candidate should have an understanding of books and libraries, a broader vision of the public dimension, someone who commands respect, and has gravitas and energy. Mr. Gomez said, following startup, new goals and a kind of leadership are likely to be needed. Clear goals for the first years must be established.

The successful candidate must have broad vision, but the initial goals will be mostly mechanical sorts of course-setting. Participants felt that the DPLA should strive to find someone who understands that their role is “to change the world.”

Mr. Curry asked whether the Governance Workstream will sunset with the advent of the Board. Mr. Darnton said it is up to the future Board to decide what they want. Mr. Curry said the Governance Workstream could suggest to the Board its continued existence in some form.

Mr. Palfrey said the Executive Director must be capable of harnessing energy and building on it. Other qualities include diplomacy, openness to feedback, synthesis, and a positive galvanizing quality in the larger community. He said information on the Executive Director role is needed in order to inform and entice candidates. The successful first Executive Director will be a founder-type leader, he commented, as opposed to a fixer or sustainer. Mr. Darnton said that the DPLA’s goal is to hire an Executive Director by the end of 2012. Mr. Palfrey said he has received calls expressing interest in the job. There is good buzz about it, but word still needs to get out. Fundraising for the organization will be essential.

There was discussion about what would be required to attract a great candidate. What level of salary? What financial measures would need to be on hand? Mr. Curry said early year metrics are necessary, as is the ability to state what the Executive Director will be held accountable for. The scale of compensation should track with what is expected of the candidate. Ms. Hildreth suggested a model in which a base salary is supplemented by bonuses based on deliverables.

There was discussion but no consensus as to the length of commitment necessary, likewise with respect to the use of a headhunting firm to find candidates. Although salary is obviously important, Mr. Guthrie suggested that the type of person who would be best for the job would be most interested in knowing that there are sufficient resources available to launch the DPLA and accomplish its goals for the first couple years.

Synthesis and Next Steps

Mr. Palfrey said the meeting generated helpful and positive feedback, providing good next-stage fodder for those in the DPLA Secretariat.

Mr. Ferriero echoed Mr. Palfrey’s comments. He said he is even more convinced that the Board and Executive Director will need ongoing support from the Governance Workstream. He reminded those assembled of the [DPLA Midwest public plenary](#) coming up on October 11th and 12th in Chicago, IL.

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