

Timothy Peters

Copyright to the university

Tips on informing, educating, and enabling

The shift from print to digital has changed the way information is created, accessed, and used, and one consequence of this change is a renewed interest in copyright. As traditional print formats are supplanted by digital formats, questions arise related to these new materials. Do the laws set forth in the Copyright Act of 1976 (and, for that matter, the other legislation passed since then) still apply? Is an electronic journal article regarded differently by copyright law than an article from a print journal? How does a streaming video differ from a DVD when it comes to copyright? The rise of digital information has brought with it its own set of copyright concerns.

Digitization has also created new uses and applications of copyrighted information. The uses of the past—print reserves and handouts in the physical classroom—have given way to a multitude of new ways to use information, from online class lectures to electronic reserves to multimedia projects to embedded video on Web pages to mashups. Never before has copyrighted information been so freely available and open to reconstitution by the user, and never before has understanding what copyright allows and what it doesn't been so challenging.

In this new information environment it is imperative that institutions make a concerted effort at copyright education and assistance. Only by being proactive can the university inform its community about copyright laws and best practices, educate it in the proper use of copyrighted information, and enable the productive use of the information available to it. The catalyst for this effort at Central Michigan University (CMU) was the rapid rise in the number of online classes offered in

the curriculum. During the 2005–06 year, 62 online classes and 399 class sections were offered to CMU students; by the 2010–11 year, these numbers had grown to 213 total classes and 1,113 sections. The popularity of these classes with both graduate and undergraduate students indicates that these numbers will only continue to increase. Additionally, the use of Blackboard class shells as a supplement to face-to-face teaching (the library posts electronic reserve items in Blackboard) has also increased significantly in recent years. CMU faculty and staff, most of whom have long been familiar with the laws surrounding the use of printed materials, suddenly have questions and need guidance on using copyrighted materials in this new digital environment. Drawing on our experiences in providing this education and assistance, here are some tips to help you deliver the copyright message at your institution.

- *Start at the beginning.* While you may be inclined to give your highly educated colleagues and promising young scholars the benefit of the doubt, and while there are indeed many individuals who are very knowledgeable about copyright, it is best to assume that people know nothing about copyright. From faculty who consider fair use protection to mean “I can do whatever I want as long as it's part of my class” to students who consider everything on the Internet to be public property, it has been my experience that most folks have a superficial—and very subjective—understanding of copyright.

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At a previous institution, I was involved in a situation where a faculty member had created his own “textbook” by compiling articles, book excerpts, images, and tables and graphs from a multitude of sources into a single volume—all without bothering to ask usage permissions. When first approached about this he was adamant that he could do this because it was for educational purposes, but after further discussions he changed his behavior and began observing copyright law regarding coursepacks. Again, when undertaking the copyright conversation, it’s best to start with the basics.

- *Focus on the positive.* On many campuses the perception of copyright is as an impediment, so your efforts should focus on what copyright allows rather than disallows. Stress, for example, that fair use is a broad license to use copyrighted material without having to ask permission and that without it the educational process would become incredibly difficult and inefficient. When speaking to authors it is worth mentioning that copyright upholds the integrity of the scholarly process by protecting their original works and stopping others from using them without permission. Point out that the copyright discourages plagiarism and encourages original thought and creativity in student research. An important part of your message should be that copyright enables learning and scholarship.

- *Consider your audience.* Delivering the right message to the right people will maximize its impact and prevent you from wasting time talking to an uninterested audience. For example, a message to faculty might focus on how they can leverage copyrighted material to provide better instruction to their students, while a message to university administrators may take a more legal tack and focus on promoting copyright compliance as a way to lessen institutional liability in the event of an employee’s illegal activity. And when talking to students, the conversation will probably revolve around plagiarism. Each audience has different concerns when it comes to copyright and, to be most effective, your message should be tailored accordingly.

- *Institutionalize it.* Integrating your efforts and activities into the official structure of the university will give your message a legitimacy it might otherwise lack. Forming a university copyright committee, for example, having an institutional policy on copyright, or offering a centralized service to assist instructors in obtaining copyright permissions means that copyright compliance and education become a part of the daily operations of the institution, and this sends a clear message that the proper and respectful use of copyrighted material is expected of everyone.

At CMU, this integration was kicked-started by a one-year institutional grant that allowed the library to investigate copyright education and electronic reserves. The result of this grant has been a redesigned and much improved university copyright Web site, the creation of the library’s Course Reserves and Copyright Services office to handle, among other things, the university’s new and improved electronic reserves service and the recently adopted university copyright policy. Thanks to the CMU 2010 grant and the opportunity to make copyright education and assistance a part of the institution, CMU is better positioned today to address copyright concerns and provide copyright education than it ever has been.

- *Form a committee.* A great first step in making copyright a part of the institution is the creation of a university copyright committee. Such a committee can centralize and spearhead efforts at copyright compliance and education. When it comes to affecting change across the institution, a single, officially recognized group like this is simply going to be more effective than an individual or a handful of groups working within their own areas.

Another benefit of a copyright committee is that it can provide effective representation of and to the institution. At CMU, our copyright committee is composed of library staff as well as individuals from the College of Health Professions, the Faculty Center for Innovative Teaching, Printing Services, the office of the University Counsel, the CMU Bookstore, the Office of Institutional Research, and the College of Business. Having university-wide rep-

resentation allows the committee to both hear concerns and receive the benefit of expertise from a number of departments and areas and to broadly disseminate information to faculty, students, and staff.

- *Create a Web site...from the user's point of view.* The most effective way to disseminate information and provide the campus with a centralized copyright information hub is through a dedicated copyright Web site. And when creating it, structure it from the user's point of view. Understand that people don't want long-winded lectures on copyright minutiae; they want quick answers to questions they have right now. A well-designed copyright Web site provides quick information and links to more information when (or if) the user wants it. In 2009, the CMU Copyright Committee redesigned the university's copyright Web site with the intention of making it more informative and user-friendly.¹ We tried to anticipate questions that would be asked by creating pages specifically addressing such popular topics as copyright issues in the online class, copyright and the creation of multimedia projects, and a faculty member's intellectual property rights. We also created an FAQ section based on the questions regularly asked by instructors. The result was an almost ten-fold increase in hits to this new site during the first six months of its existence when compared to the last six months of the old site.

- *Make friends with your university counsel.* Though copyright is the law, interpretations of copyright vary from institution to institution. It is therefore vital that you know how your counsel's office interprets copyright, because its interpretations will determine your message. At CMU, for example, the university counsel has determined that placing content from the library's print and electronic collections on electronic reserve does not require permission and usage fees since the library has purchased the material. This means that instructors are able to freely use this material and that course reserves personnel are able to expedite the process of getting it into Blackboard course shells for class use. Faculty have welcomed this improvement in service and

the library has been able to avoid usage fees in many cases. Additionally, your university counsel's office is a great (if not essential) resource for those particularly complex copyright questions and clarifications.

- *Market, market, market.* As with any initiative, letting others know about it—what it is, why it's important, and how it can help them do their jobs—is essential. Take every opportunity to talk about copyright, and don't be reluctant to make your own opportunities. Use campus announcements, e-mails to faculty and staff, announcements on departmental Web sites and pages, social media, newsletters, podcasts, friendly colleagues, whatever it takes. Being proactive also allows you to control the message. There are many misconceptions and confusion about copyright, and a great way to counter this is by delivering credible information and timely assistance.

- *Be realistic.* Despite your efforts to be comprehensive and to provide your institution with helpful and valuable information, the fact is many people won't be terribly interested in your message. To most folks, copyright is just another thing to worry about, and, when they do worry about it, what they need is a quick answer to a question specific to their situation.

A few years ago I participated in a brown bag luncheon series sponsored by our Faculty Center for Innovative Teaching. I prepared a presentation, gathered my handouts, and readied myself for a much larger crowd than the three individuals who actually showed up that day. Sure, I was disappointed by the turnout, but the three people who attended appreciated the chance to learn more about copyright, and the experience hasn't discourage me from talking about copyright when I have the opportunity. I may have only reached three people that day instead of the 20 I had hoped for, but that still means that three people now know more about copyright than they did before they heard me. A copyright lecture isn't going to draw big crowds, but don't let that dampen your enthusiasm.

Copyright is a daily concern of individual educators and researchers and the institutions

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and forward. I had designed the “perfect” and most “logical” site, and my sessions were going to be a cakewalk. But they weren’t. I saw blank stares, knitted brows, looks of confusion. Was I presenting the material in the wrong order? Were subscription databases so much different than Google that students would never use them? When I took a step back from the projection screen and looked at how I was presenting the material, I realized it was not my presentation per se, but rather the presentation on the Web site that was confusing. The order of actual tasks was confusing. Was it incorrect? Not entirely so, but the navigation and presentation was not as smooth and flawless as it could have been. What had worked during various whiteboard site-mapping sessions and on my monitor during the development phase proved to be more difficult online. No amount of user testing could have replaced what I learned watching actual users interact with the site. I was reminded of an anonymous comment left on an academic library Web site comparison site: “Designing the academic library Web site is the most difficult task.” Yes, it is.

Now what do we do?

What I saw in those instruction sessions was confusion, and it made me swallow my pride and revisit some of my redesign decisions. My solution was to return the functionality that I had buried based on user feedback and my own good inten-

tions on how a site should function. I had emphasized too much the importance of marketing the library over quick(er) access to databases and research guides.

The time spent in those 19 sessions also gave me keen insight into how students actually use the Web site. The formal (or informal) test environment is helpful, but it lacks the spontaneity and actual user search and browse behavior that you can only witness when the student is in a more comfortable or natural setting (rather than being watched or asked questions by an investigative designer). Seeing the facial expressions demonstrated the mental pinch points I had created in navigating to resources. Particularly crucial to my understanding of the student view was the hands-on portion of each instruction session. The hands-on time provided intimate Q&A sessions, particularly with less vocal students, which taught me more about the site than all the user testing combined.

This fall we will have two new librarians. When asked if I would relinquish my Education Department duties, I said no. Education requests a lot of instruction sessions. And while I am still the Web services librarian, I can’t see a better use of my time than doing a fair share of instruction. Instruction allows me to keep a close eye on how students are using the only part of the library that is open 24/7: the library’s Web site. *zz*

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of higher education they represent. New initiatives, like the Google Books digitization project and the Hathi Trust, along with ongoing debates about authors’ rights and the future of the traditional publishing model, ensure that copyright will continue to be an engaging issue in the coming years. It is essential, therefore, that institutions make a genuine effort to address copyright and educate their students, faculty, and staff. The real value of this effort, however, lies not in informing the

university community about copyright law and educating them about how to use properly copyrighted material, but in helping all parties involved take full advantage of the information and materials available to them in the name of creating the best and most effective educational experience possible.

Note

1. The Copyright at CMU Web site is available at copyright.cmich.edu. *zz*