



COPYRIGHT EDUCATION, ACADEMIC INTEGRITY CODES AND FAIR USE

Does your university offer intellectual property education to incoming students, or have an academic integrity policy that addresses copyright issues? These are important areas where librarians can be of service in offering balanced information about copyright and fair use.

COPYRIGHT EDUCATION:

Some universities have instituted copyright education for incoming students, as well as to students who exceed expected bandwidth use and thus trigger concern about illegal downloading. This education is typically and appropriately designed to alert students to the illegality of downloading and sharing unlicensed entertainment material. At the same time, many faculty, staff and students unfortunately conflate illegal P2P file-sharing and legal fair use. You can ask to participate in copyright education, to make sure that fair use and other copyright exceptions are appropriately recognized and that academic uses are clearly distinguished illegal downloading for consumption. The Code of Best Practices in Fair Use for Academic and Research Libraries, and the supporting materials found at arl.org/fairuse and centerforsocialmedia.org/libraries, can be helpful tools for balanced copyright education, along with the other Codes of Best Practices available at centerforsocialmedia.org/fair-use.

INFORMATION TECH MONITORING AND VIGILANCE:

Information technology units are often given the responsibility of patrolling the community for inappropriate use of the Internet. They often also prepare materials to warn students and others in the community that such monitoring is taking place. This is another great opportunity to make members of the community aware of the balancing features of copyright, and the difference between illegal and legal unauthorized use of copyrighted content.

As well, librarians may be aware of research initiatives that could attract IT concerns, such as the creation of databases for non-consumptive research (see Principle Seven of the Library Code of Best Practices). They may want to alert the IT unit to such activity, while explaining its legitimate aims and means, in order to avoid unnecessary concern.

ACADEMIC INTEGRITY CODES

Academic integrity codes are excellent opportunities to engage both students and faculty with helpful and empowering information about their fair use rights (and their limitations). Students may be asked to review their university's academic integrity codes each semester. Such codes need to distinguish clearly between appropriate and inappropriate copying. Librarians can help, and the Code of Best Practices can back them up.

Academic integrity codes are concerned primarily with ethical conventions of transparency in the representation of research results – e.g. with the problems of plagiarism and cheating. However, people who rely on or enforce compliance with such codes often confuse scholarly conventions of attribution with copyright law and policy either implicitly or explicitly. It is also common to confuse rules about plagiarism with legal standards for copyright infringement. In fact, however, a plagiaristic use may be non-infringing (if, for example, the text relied upon is in the public domain or is employed pursuant to fair use). Likewise, infringing uses may be non-plagiaristic (if, for example, a scholar quotes large portions of a preexisting text with full attribution but

without repurposing the content). Librarians can help drafters and administrators of such codes to disentangle these issues.

Finally, to the extent that they discuss copyright as such, academic integrity codes often fail to mention or explain fair use. It is important that students and scholars understand that when they use appropriate portions of a preexisting work for their own new academic purposes, and properly attribute the material quoted (or otherwise borrowed), they have satisfied both relevant legal and ethical norms. Librarians can help craft language appropriate to higher education on appropriate employment of fair use. This is an opportunity to alert students not only to the fact that much of what is found in the library or on the Internet is copyrighted to somebody or something, but that under some circumstances (including and especially educational scholarly use!) that material may be legally quoted or excerpted.

Of course, the exact nature of language explaining fair use will vary according to the format of the academic integrity code in question. Librarians who intervene successfully should consider sharing their results widely, so that members of the community who work with similarly worded codes can take advantage. Send examples to socialmedia@american.edu for posting on the educational-tools section of the centerforsocialmedia.org/libraries site.