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Teaching Our Faculty

[Developing Copyright and Scholarly Communication Outreach Programs]

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University faculty members rarely like to hear what they are doing is wrong, let alone illegal. So woe to the librarian who presumes to bear the bad news that, in fact, these selfsame faculty members are flagrantly violating copyright law; this messenger should probably expect to receive an earful about the way things should be as opposed to how they are. Even if faculty members completely agree with the arguments in favor of broader and more open access to published research, it often falls upon librarians to explain the intricacies of Title 17 of the US Code (US Copyright Office 2011), or copyright law, and how publisher contracts and institutional licenses can further limit what faculty members generally expect should be fair educational use.

In fall 2009, the director of our Natural Resources Library presented a copyright awareness program to the faculty of the Utah State University (USU) College of Natural Resources at their annual fall retreat. The college's dean had specifically requested this program, and the librarian was prepared primarily to discuss issues with an author's posting a PDF of his or her own research articles on publicly accessible departmental or personal websites. (In the process of recruiting faculty members to deposit their published research in our newly minted institutional repository, the library had become aware that there were some researchers who maintained PDFs of their published research on the open Web.) This was to be an opportunity to educate faculty members about securing specific rights of their own published works.

Surprisingly, many researchers were actually aware of this problem, and most seemed to understand the related issues. What really raised their hackles, however, was discovering that the manner in which they distributed material to their students was likely a flagrant violation of copyright law. Most did not realize that, in many cases, redistributing published articles via mass e-mail to a class or by posting PDFs to an openly accessible course website intended primarily for students could clearly infringe the right of the copyright holder (in most cases, the publisher rather than the author).

In truth, most faculty members are so busy with research, grant writing, and teaching that few have time to even think about the continually changing landscape of copyright law. Although faculty are prolific producers and users of copyrighted works, they are often more concerned with ensuring that their articles are published than the terms of publication and how they can use the articles in their future teaching and research. However, once we started a conversation with faculty members about some of these issues, we discovered they were very interested in having the university provide them with the resources to establish a broad overview of the unforeseen ways copyright might be affecting their teaching and research. Unfortunately, many universities, have no copyright attorney on staff or unit devoted to copyright issues; this was certainly the case at USU.¹ What is the role of the librarian in helping faculty when they clearly need, and even want, to understand copyright, but the university has not made available the appropriate resources?²

Inception of the USU Copyright Committee

At USU, recognizing the need for this type of education and knowing there was no funding in the foreseeable future for additional staff to devote to copyright, the library dean decided to take action. In the summer of 2009, the Merrill-Cazier Library administration formed the USU Copyright Committee, bringing together people from across the campus, each of whom had specialized expertise or interest in copyright issues. By building on and organizing the specialized knowledge of each of the various committee members, the library hoped to create a central resource for the entire university, rather than having expertise siloed in individual units across campus. The library dean charged the committee to:

- Develop an overall understanding of copyright, including expertise in areas such as digital collections, institutional repositories, electronic reserves, authors' rights, fair use, the TEACH Act,² and learning management systems;
- Develop and implement an outreach program to provide

training and increase awareness of copyright issues of interest to the USU library staff and the campus community;

- Serve as an advisory group for the library and USU community as new copyright questions arise; and
- Develop, document, and maintain library copyright policies.

This chapter will describe the process through which this group developed a basic understanding of copyright as it relates to higher education, as well as the outreach programs it established in response to the committee charge.

Committee Structure

Over time, the composition of the committee has evolved, but the group includes both library and nonlibrary representatives. Committee members from the library represent electronic reserves, interlibrary loan, the institutional repository, the digital library, collection management and licensing, distance education library services, and library administration. Other members include representatives from the Faculty Assistance Center for Teaching (FACT, which facilitates our course management system and streaming media services), the Regional Campus and Distance Education academic unit (RCDE), the USU Bookstore, central Information Technology (representatives specializing in security, take-down notices, and student labs), the USU Press, the Technology Commercialization Office, and the student government.

The University Counsel's office serves in an advisory role to the group. The library dean met with University Counsel to discuss the work and plans of the Copyright Committee and to determine how the university's legal office would like to be involved. At that time, USU did not have an attorney with intellectual property background, so our counsel was pleased to have a group take the initiative to develop a centralized resource for the campus. Our counsel was willing to review documents as needed but was happy to let the Copyright Committee compile documents and provide educational resources to the campus.

The committee, meeting monthly for the first year, had as its first tasks introductions and group education. Because each person was immersed in his or her own responsibilities, most committee members were unaware of the day-to-day impact of copyright restrictions outside of individual units. How were we to build more overall and expert knowledge? In order to develop a deep bench of copyright expertise, the library dean committed to funding specialized training for the group as well as for individuals. Group training was administered through a series of licensed webinars, in which the group participated together.³ Individual training was provided by the University of Maryland University College (UMUC) Center for Intellectual Property,

which offers a certification program in order to help professionals begin developing comprehensive background knowledge of copyright law and its current application in higher education. The objective of certification is not to gain the expertise of a copyright lawyer but rather to gain exposure to a wide range of topics in order to become a campus (and professional) leader for matters related to copyright. Because our committee did not initially include anyone who was an intellectual property attorney—and because many university counsel offices do not, in fact, necessarily have expertise in this area—the Copyright Committee decided that having a new committee member obtain the UMUC copyright certification on an annual basis would greatly enhance the expertise and authority of the group. By the end of 2012, USU will have sent three committee members through the certification program.

Developing Campus Outreach Initiatives

The group understood that it was imperative to gain the support of the university administration if we were to be successful in reaching out to colleges and departments on-campus and gaining traction as recognized experts. Our initial attempts at outreach came not through the Copyright Committee itself or even through the library. Instead, the committee sought the endorsement of top-level academic administrators, who we thought might be able to get the attention of the faculty. With support from the provost, the library's dean brought the question of copyright education to the attention of the other deans at the weekly Dean's Council meeting. This brief presentation led to financial contributions from the deans to purchase for the campus a three-part, commercially produced webinar series (Academic Impressions 2010c, 2010d, 2010e) on copyright issues related to teaching and research. Promoted as an opportunity sponsored by the deans (in fact, academic deans hosted and introduced the presentations for the committee, illustrating the high-level support for this initiative), this series of events validated the authority of the Copyright Committee and gave it much-needed exposure in its efforts to reach faculty members.

The committee felt that one of the primary ways in which we could meet our charge to provide campus outreach in training and increase awareness of copyright issues was to create a website that, although it was a more passive form of education, would incorporate the group's collective expertise on matters related to copyright. We did not want a simple one-page link from the library website. Rather, our goal was to build a robust destination site for the campus community that would be linked from the university's website. The Copyright Committee chair asked the group to submit ideas regarding the infor-

mation that should be included on the site. Subsequently, she convened a small subcommittee that organized and outlined the site, returning to the experts to have them write the actual content. Simultaneously, she worked with the library's graphic designer so that the page would be consistent in look and feel with the university website while maintaining a distinct design presence in order to promote our new Copyright@USU brand. The resulting site⁴ incorporates the Copyright Committee's collective insights, presenting information for multiple audiences (users versus creators of copyrighted information; faculty versus students) and is also organized by subject.

The Copyright@USU website was to be instrumental in providing our subject librarians with an orientation to copyright issues as well as in assisting them with outreach to their liaison departments. We have encouraged our subject librarians to familiarize themselves with some basic copyright issues and concepts through attendance at licensed webinars and other online educational opportunities. However, we certainly do not expect that they will become copyright experts—in fact, one of the functions of the Copyright Committee is having a place that the departmental liaisons can turn when members of their departments have thorny copyright questions.

In conjunction with the website, the group established an e-mail list that fields copyright questions for the campus.⁵ An alias, which is broadly publicized across campus, sends the messages to everyone. In this way, anyone who feels that he or she has relevant information to answer the question can chime in on the discussion. Initially the committee members discuss the question among themselves, and then the committee chair responds to the person who sent the message. We have also created marketing materials, such as notepads, to promote the website and the e-mail alias.

Outreach Programs

With a formal structure, support from the campus administration, training, a comprehensive website, and a communication strategy, the committee was ready to implement its outreach program. Since 2004, the library has consistently provided outreach to our academic departments at their annual fall departmental retreats. Each year, the library dean determines an area of focus so the librarians can develop a consistent and well-thought-out message to deliver. Topics have varied throughout the years for what we call our road show series, but in 2010, there was no debate. We would use our road shows as an opportunity to focus on copyright. The Copyright Committee assigned a road show subcommittee, composed of representatives from the library (administration, digital initiatives,

collection development, and reference) and the USU Press, which was tasked with developing a fifteen-minute presentation with a fifteen-minute question-and-answer period that could be delivered to the annual academic departmental retreats in late summer 2010. These retreats are full-day meetings in which academic departments gather to discuss their priorities and concerns, and it can be a real challenge to secure time for guest presentations. The group conceptualized two parallel programs and solicited feedback from the Library Advisory Council regarding which program would be most valuable to the research and teaching faculty. The Library Advisory Council is a committee composed of representatives from each of the university's colleges, the Graduate Student Senate, and the Associated Students of USU, and it is charged with providing the library with advice, feedback, and direction. That spring we presented two concepts: "Securing the Scholarly Record" (covering authors' rights) and "Fair Use in Teaching" (educating faculty about sharing course materials). The Library Advisory Council wanted both topics developed and suggested that departments should choose the presentation they wanted. The retreats are held in August, and the road show subcommittee had several months to prepare. The subcommittee continued to review and revise the presentations and delivered both to the subject librarians to orient them to the content and to obtain suggestions for improvement, including how to adjust the presentations for specific disciplines.

The Copyright Committee used relationships established by subject librarians with academic department heads to schedule time during the annual retreats. The committee felt we would have more luck securing a coveted place on these notoriously crowded agendas by making a connection through a librarian whom the department already knew as opposed to an unknown university committee chair. Subject librarians were assured that they were not expected to be experts on copyright and that a member of the Copyright Committee would be delivering the presentation. Subject librarians would accompany committee members to the departmental meetings and provide the introductions, while also briefly promoting relevant library collections and their own services.

We formed a group of eight Copyright Committee members who had sufficient expertise with the topics to present either road show and to field questions. Ideally, two members of the group attended each presentation to assist with the question-and-answer sessions since we anticipated receiving a wide variety of queries. Fourteen of the presentations were scheduled over three days, so we were not always able to send two Copyright Committee members along with the subject librarian.

“Securing the Scholarly Record”

Our presentation “Securing the Scholarly Record” focused on ensuring that authors understand and retain rights to their own intellectual property as they go through the publishing process (USU Copyright Committee 2010b). It also allowed the library to promote our institutional repository, which, at that time, was in its infancy. The presentation covered four broad areas: the elements of a publication contract, authors’ rights and the SPARC addendum, open access, and Digital Commons (the USU institutional repository).

The presentation began by asking questions such as this: “You have just published an article in the journal *Nature* and, wanting your colleagues and students to read it, you post the publisher PDF on your personal website. Can you do that?” Most faculty members understood that posting a published article on a personal website was probably not permissible according to the contract they signed, but most also acknowledged that they rarely read their publishing agreements carefully and thus did not know exactly what was allowed. Most faculty refer to the document they sign with a publisher as a “copyright release form,” when in actuality what is signed is a legally binding contract between the author and the publisher stipulating what authors may and may not do with their own written work.⁶ Thus, it is extremely useful to know what such legal terms as *grant*, *warrant*, *exclusive*, and *indemnify* signify within contract law. Using the contract experience of the director of the USU Press, the majority of the presentation covered an overview and explanation of basic contract language authors might come across. We were careful to point out the differences between journal and book publishing and between academic and nonacademic publishing. Publishing contracts differ considerably from publisher to publisher, but regardless of how they are structured, all have sections in which the author grants rights to the publisher, the author warrants the work submitted, and the publisher promises to publish and distribute the work.

Briefly, the grant clause is the part of the contract in which the author grants and assigns to the publisher the right to copy and distribute his or her work and in which the author either grants, assigns, or transfers all copyrights to the publisher or allows the publisher to secure copyright in the author’s name. In the warrant clause, the author affirms authorship as well as ownership of the work (as the two are not the same in contract law). In most instances of scholarly publishing, the author and the owner of the intellectual property in question are the same. There are cases, however, in which the author does not own his or her own intellectual property. For example, an

author may have already signed over the copyright to another publisher (e.g., perhaps a chapter of a book has already been published as a journal article). Copyright becomes even more complex if research is federally funded or the author is a federal employee. The author must warrant that he or she has the right to transfer copyright. The warrant clause will also ask authors to warrant that they have obtained permissions to use others' work in their work, that they are not infringing on others' copyright, and that the author, not the publisher, is responsible for the content of the work. Further, in the indemnity clause, the author agrees that the publisher will not be held responsible for claims of copyright infringement by third parties and that the author is personally responsible for all the content.

Most publishing contracts—especially for journal publications—leave the author with few rights, though the author might retain the copyright in some instances, such as for works of fiction. The author may or may not retain the right to republication or to publish competitive or derivative works. Newer publishing contracts increasingly are including the right to deposit some version of the work in a local institutional repository, and a growing number of publishers allow the use of publishers' PDFs in institutional repositories.

Following the overview of key contract terminology, we encouraged authors to save copies of their contract, correspondence with the publishers and editors, and each of the versions of the manuscript submitted to editors and publishers, including preprints, the final edited and refereed copy, and the final proof. Based on the groans in the audience (which were not unexpected), most faculty members rarely retained this many records for each of their publications. As one prolific researcher stated, "That would require a filing cabinet all on its own!"

The next section of the presentation moved from reviewing publishing contracts to reviewing alternatives to traditional publishing. Rarely did we encounter faculty members who had tried to change their contracts to obtain more rights for themselves, and in only a couple of instances had a faculty author purchased the open access rights to his or her work. We talked about why it is important to retain more of the rights to one's own work—not only for personal reasons, but also for the fiscal benefit of your institution (e.g., library budgets). We also encouraged faculty to amend the traditional publishing contracts by attaching the SPARC Addendum (SPARC 2012). We covered the different types of Creative Commons licenses available for nonpublished works such as PowerPoint presentations, posters, syllabi, and other class material. The open access discussion covered several topics, including the Budapest Open Access Initiative and how to negotiate, purchase, and fund the open access rights. During the open access

discussion, we purposely cited several nonlibrary research articles that reported the benefits to authors of publishing in open access journals, such as being cited sooner and more frequently.⁷ We wanted to demonstrate that open access is important to researchers across disciplines and is not just a library issue.

The final part of the presentation featured the USU institutional repository (IR), Digital Commons. We briefly explained what an IR is and how to get work deposited in Digital Commons. As we had confirmed earlier in the presentations, few authors had saved older publishing contracts, and we introduced them to tools such as SHERPA-RoMEO⁸ that can help determine which version of a work can be archived in an IR. At the time, USU's Digital Commons was still very new on our campus, and one result of this presentation was a sharp increase in interest in participation in Digital Commons. Digital Commons staff were inundated with vitas faculty wanted posted.⁹ Also, we suspect the conversation laid the foundation for the adoption by the USU Faculty Senate of an open access and authors' rights policy in spring 2012 (USU 2012).

“Fair Use in Teaching: Or, How Not to Break the Law in Your Classroom”

In contrast to the focus on the potential hazards involved in *creating* copyrightable content in “Securing the Scholarly Record,” the second road show presentation focused on *using* copyrighted materials, primarily in the classroom (USU Copyright Committee 2010a). Faculty members have a complex relationship with copyrighted materials—often wanting tight control when they author works but assuming liberal rights when using the intellectual property of others in a classroom. The goal of this presentation was threefold: first, overriding the key misconception that educational use equals fair use; second, informing faculty of their many options in using copyrightable works; and third, helping faculty members develop an appropriate sense of the risks involved.

The presentation opened with a short overview of copyright law, including a discussion of what is copyrightable, an explanation of the exclusive rights of copyright holders, and a summary of penalties for copyright infringement. Then we shifted sharply to address the question of fair use, introduced with one simple slide: “Just because it is for educational purposes does not make your use fair.” Faculty tend to fixate on the first fair use factor, the nature of their use (educational), without realizing that it is imperative to weigh all four factors together. This confusion is understandable, and the idealist in all of us may

wish that the first factor would govern all use at an educational institution. However, it falls to the realists to explain the law. The presentation moved forward to explain the four factors and how a delicate balance must be maintained. Since the time of the road show presentations at USU, there have been some significant developments that we would certainly have to address should we decide to repeat these presentations. The Association of Research Libraries has released its *Code of Best Practices in Fair Use for Academic and Research Libraries* (ARL, CSM, and WCL 2012), which has certainly provided solid explanations of community practices that are somewhat more liberal than those we described in 2010. In contrast, however, Judge Orinda Evans's district court decision in the Georgia State e-reserves case has drawn a "bright line" reading of fair use.¹⁰ Neither of these documents was available at the time of our road show presentations.

The presentation's discussion of how to conduct a reasonable fair use analysis focused on an explanation of all four factors addressed in Title 17: the purpose and character of the use, the nature of the work, the amount of the work used, and the market effect a use might have on a work. Technically, none of the factors outweighs the others, although historically factor four seems to generate the most concern. The key message for faculty who undertake a good faith analysis is to decide whether or not a use is truly a fair use (and document their analysis), which will protect both them and their institution against claims of copyright infringement. The presentation encouraged faculty to maintain records of their own analyses, showing a tool developed at the University of Minnesota for this purpose (University of Minnesota 2010).

Because the purpose of the presentation was to discuss when fair use was and was not appropriate, we also took the time to explain the codified classroom exemptions such as Section 110(1),¹¹ which explicitly permits displays and performances (of video, for example) in a face-to-face teaching setting. Realizing the complexities of the TEACH Act, as well as the limitations on our time, this presentation did not cover Section 110(2).¹² Instead, we saved that for a separate presentation specifically prepared for and delivered to our Regional Campus and Distance Education faculty.

Naturally, faculty members were not sure of what to do about uses not covered by fair use or a statutory exemption. We mentioned services such as the library's electronic reserves or the USU Bookstore's academic publishing division (course packs), but the preferred way to disseminate content to students is through course websites and learning management systems. Mentioning permissions often generated looks of annoyance. However, what faculty (sadly) seemed

not to realize was that the library had often prepaid for their use in the form of site licenses. Thus, we simply encouraged faculty to provide links to licensed content rather than downloading copies. In a teaching environment, showing faculty how to provide authenticated links makes much more sense, as securing permission to download and post copies is not generally a part of their workflow. Explaining the nature of vendor contracts not only served the purpose of showing faculty how to provide legal links to licensed materials, it also afforded the library the opportunity to remind faculty of the integral role we play in providing content for research and teaching, showing them the scope of our electronic collections. Finally, talking about vendor contracts gave us the opportunity to remind faculty of the general terms of our campus site license agreements (including prohibitions of such activities as downloading entire journals, posting electronic copies to websites and e-mail discussion lists, sharing access credentials with friends or colleagues not affiliated with our institution, redistributing licensed content, making commercial or noneducational use of licensed resources, or using technologies to facilitate access to these resources outside of the university network). While perhaps somewhat unrelated to copyright law *per se*, these contractual restrictions do govern the terms of our use of the electronic collections specifically and work in tandem with copyright law. The road show seemed an excellent time to illustrate this relationship.

Just as we took the opportunity to remind faculty of resources that the library had already licensed for their use, we also (as in the presentation “Securing the Scholarly Record,” described above) tried to make sure that faculty were aware of the world of freely available open access resources, including materials in the public domain, designated open access collections (focusing on our own Digital Commons), Creative Commons material, and other OpenCourseWare resources.

In wrapping up the presentation, we attempted to get faculty members to think about decisions relating to using copyrighted materials in terms of risk—and their own comfort level with risk taking. Having provided them with a broad outline of the requirements of the law as well as the potential damages, we illustrated our risk-taking model with a traffic light where “go” represents no to low risk; “caution,” only moderate risk (provided guidelines are followed); and “stop,” high risk (see Figure 14.1). Ultimately, the library is not the copyright police; however, librarians have taken it upon ourselves to inform our user community of both their rights and their responsibilities. It is up to the individual to behave in a legal and ethical manner.

Figure 14.1
Gauge Your Risk



Road Show Results

The subject librarians were very successful in securing a place on the agendas for departmental retreats. The team presented the road shows to twenty-three of forty-four different academic departments, with two departments having us visit twice to meet with those who had been unable to attend the retreat. We were pleased that we reached nearly half of the departments on campus. Ten of the presentations were “Fair Use in Teaching,” six were “Securing the Scholarly Record,” and six included both topics.

The presentations were an enormous success. During our visits, we advertised our website, which was not quite public yet, as well as our new e-mail address, and received many follow-up questions as a result of the talks. We stated up front that the fair use presentation would focus on face-to-face instruction, but it was clear from the questions we received that there was a need for educating our campus about the TEACH Act and copyright in an online environment, which we later developed as a separate presentation. In addition to questions about teaching in an online environment, we had several questions about electronic reserves, use of media in the classroom, open access, and the consequences of copyright violation.

Conclusions

There are several factors that have contributed to the success of the Copyright Committee. First, it had immediate support and funding

from the top university administrators. The library dean secured the support for the committee and its work from the provost and the other deans. Second, it included representatives from across the campus. Though the committee structurally resides within the library, copyright is not just a library issue. The committee, using as a mantra the title of the popular book *Crowdsourcing: Why the Power of the Crowd Is Driving the Future of Business* (Howe 2008), includes campus-wide expertise and perspective that have greatly facilitated what it does and given it additional credibility the campus-wide expertise and perspective have greatly facilitated what the committee does and given it additional credibility as a trusted source on issues related to copyright (although coordinating a large group is time-consuming). Recognizing the need for dedicated staff to focus on issues related to copyright, the library in the summer of 2012 hired its first copyright librarian.

Going forward, the Copyright Committee has several challenges. First and foremost, how can we maintain the cohesiveness of a campus committee while maintaining our current level of campus exposure? We know from the responses to the road shows that faculty want additional information and resources on copyright, especially as it relates to teaching in the online environment. Though our website has a section for students on copyright, the committee has not yet targeted students for specific copyright presentations. Libraries connect with students all the time through library instruction programs (information literacy), but beyond talking about copyright in conjunction with plagiarism, information literacy in practice is more about familiarizing students with library resources than informing them about issues relating to intellectual property—their own and that of others.¹³ Moreover, how do we ensure that our communications are positive without coming across as though we are the information police? The committee is still working on developing a plan that will address this conundrum.

We also face the challenge of keeping the committee up-to-date regarding copyright and our subject librarians aware of important issues. As we mentioned earlier, our subject librarians have connections to the academic departments on campus and are a great frontline resource for disseminating information. Because we keep them informed of the basics of copyright issues, they are able to serve as one more connection to the Copyright Committee. It is, however, difficult to encourage busy librarians to take the time to attend training programs and keep up with the latest rulings. We take advantage of meetings to offer short briefings every now and then on important developments, such as the Georgia State case.¹⁴

More broadly, how do we want to balance our role of encouraging campus copyright compliance with that of advocating for expanding fair use and open access? This is perhaps our greatest challenge

of all. There is substantial tension between attempting to ensure that the campus is educated about what is and is not acceptable vis-à-vis Title 17 versus advocating for open access solutions, expanding the public domain, and pushing the boundaries of fair use. The first half of that equation seems limiting and frightening, while the second half is liberating and exciting. How do we educate about the limits while promoting the possibilities?

In summary, the prospect of addressing copyright issues on campus can be daunting and overwhelming. However, doing so has also presented the library with unique opportunities. Librarians built partnerships with university administration and other units to advance copyright awareness. Through their understanding of publishing, authorship, and teaching, librarians have bridged an important communication gap between different campus constituencies, many of which are cognizant of only one side of the issue. Going forward, we have found that by engaging people from every area of the campus that is involved in copyright issues, we are able to pool our knowledge, share our experiences, and distribute the workload of educating the campus about this important issue.

Notes

1. In fall 2011, Utah State University hired its first dedicated intellectual property attorney, who became a member of the USU Copyright Committee right away.
2. Technology, Education, and Copyright Harmonization Act of 2002, 17 U.S.C § 110(2) (2002), <http://www.copyright.gov/title17/92chap1.html#110>.
3. We specifically participated in “Applying the Fair Use Doctrine” and “Copyright Considerations for e-Reserves” (Academic Impressions 2010a, 2010b). Online education can be obtained from several other organizations and companies, including Center for Intellectual Property, Association of Research Libraries, American Library Association, and Copyright Clearance Center, to mention just a few.
4. The Copyright@USU website is at <http://www.usu.edu/copyrightatusu>.
5. The address of the copyright questions e-mail list is copyright@usu.edu.
6. Until the author signs a contract with a publisher, copyright law provides the author—the original copyright holder—with several

exclusive rights: the right to copy, distribute, reproduce, display, and perform. Unless the copyright holder transfers all or some of these rights to the publisher, the publisher would be in copyright violation for distributing the work.

7. We specifically referenced four articles: Norris, Oppenheim, and Rowland 2008; Davis et al. 2008; Eysenbach 2006; and Hajjem, Harnad, and Gingras 2005.
8. SHERPA/RoMEO is at <http://www.sherpa.ac.uk/romeo>.
9. After faculty submit their vita, IR staff and liaison librarians will investigate copyright status and obtain permission to post final PDFs whenever possible. If permission is not obtained, links will be provided to the publishers' websites. (Thus, if the viewer's institution subscribes to the journal, access should be immediate.) If the author provides the final post-peer-reviewed manuscript version, it too will be uploaded.
10. Cambridge University Press et al. v. Patton et al., (N.D., Ga. 2012), <http://docs.justia.com/cases/federal/district-courts/georgia/gandce/1:2008cv01425/150651/423>.
11. 17 U.S.C § 110(1), <http://www.copyright.gov/title17/92chap1.html#110>.
12. Technology, Education, and Copyright Harmonization Act of 2002, 17 U.S.C § 110(2) (2002), <http://www.copyright.gov/title17/92chap1.html#110>.
13. Specifically, Standard 5 of the ACRL *Information Literacy Competency Standards* (ACRL 2000) says, "The information literate student understands many of the economic, legal, and social issues surrounding the use of information and accesses and uses information ethically and legally." A core outcome of this standard is that students should demonstrate "an understanding of intellectual property, copyright, and fair use of copyrighted material."
14. Cambridge University Press et al. v. Patton et al.

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- . 2010c. “Copyright for Classroom Teaching.” Webcast recorded April 12. Session 1 in *Copyright Essentials for Faculty* by Academic Impressions.
- . 2010d. “Copyright Regulation outside the Classroom.” Webcast recorded April 14. Session 2 in *Copyright Essentials for Faculty* by Academic Impressions.
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