

Copyright

Best Practices for Academic Libraries

Edited by

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19

Brick by Brick

ESTABLISHING COPYRIGHT SERVICES AT UNIVERSITIES

Emilie Algenio, Carla Myers, and Donna L. Ferullo

Copyright offices and their staff and those either assigned to respond to copyright questions or who have that role by default are generally library based. The responsibilities, credentials, reporting structure, staffing, and financial resources are as varied as the libraries and universities themselves. There are some commonalities but also many distinct differences. This chapter provides three examples of how copyright responsibilities and services are organized and operated at small, mid-size, and large universities as well as public and private ones.

EMILIE ALGENIO

Librarians and library staff find their way to copyright through many different paths. I took the scenic route in establishing copyright services. Once I graduated with a master's of library science from an American school, I worked for large state flagship universities and managed electronic subscription packages for a library consortium for ten-plus years. I understood how to read contracts, which later proved fortuitous.

During the last three years of that job, I pursued an education in copyright during my off-work hours. One of my instructors, previously the head of the Intellectual Property Section/Office of General Counsel (OGC), coached me on actual copyright questions. I met her professional network, which eventually became my own. Rather than applying to law school, I completed professional

development courses focused on the law of the United States. I also attended conferences, hoping to find a new job and to build up my community of practice.

I landed my first position as the copyright/fair use librarian, full time. Similar to my past employers, my new one was also a large state flagship university. By then, my proficiency included the business knowledge of academic libraries, having reached the midpoint in my career.

ASSESSING THE CAMPUS NEED FOR COPYRIGHT SERVICES

Immediately I proceeded with conducting an environmental scan, meeting with members of the temporary, interim copyright team. I used the interviews as a chance to get to know the team members individually and to gather the facts about how copyright was currently handled. I listened for details about local business practices, issues, comfort level with risk, ongoing partnerships outside the libraries, and found documentation about questions. I also spoke with staff in special collections, reserves, and instruction.

To my great fortune, I discovered the team's head had a sincere interest in copyright. Formally, she served as graduate studies librarian in instructional services. Given how our areas overlapped, I learned about the many offices, people, and procedures dealing with graduate students and outreach events. I saved a significant amount of time and effort getting to know the organization and campus, thanks to her efforts. More importantly, I found my first ally and partner and was grateful our friendship began early on.

ESTABLISHING COPYRIGHT SERVICES: THE BASICS

Initially, I needed to notify the academic community that I was the copyright/fair use librarian, the first librarian dedicated to copyright issues. I embraced the challenge of sharing my contact information across the fifty thousand-plus campus population covering five thousand-plus acres. Out of necessity, I created my own informal service point, because the Office of Scholarly Communications was not service oriented. My concern about getting the word out, that my position existed, overrode my interest in establishing a formal copyright office.

Fortunately, I noticed a copyright policy and excellent web pages already in place. My office held enough room for one-on-one appointments, the space was my own, and I could close the door for privacy. Originally, I asked for a budget for speakers, to assist with the scale of my copyright education efforts. I did not receive them; however, I received funding to provide light refreshments during the workshops. I relied on my own initiative when it came to office supplies, as a color printer and copier services were not options. I discreetly printed workshop materials in color elsewhere in the building, and instructional services gladly let me raid their colored paper supply.

I offered essentially three services, all of which aligned with my unit's goals, the library's mission, and the university's strategic plan. First, I designed, developed, facilitated, and assessed copyright education programs for faculty, graduate students, and staff. Second, I responded to inquiries and provided consultations. Third, I supported the Office of Scholarly Communication's projects and events.

From day one, I tracked and documented my impact. I collected data, in a minimal fashion, about workshop attendees, people I met during outreach activities, incoming questions, and consultations. I reported these figures by way of my evaluation and in my Promotion & Tenure (P&T) documentation.

ESTABLISHING COPYRIGHT SERVICES: THE STRUCTURE

I worked for a PhD-granting public university, with a headcount of sixty thousand-plus undergraduates and graduate students. My post was housed within the Office of Scholarly Communications in the libraries, one of seven full-time staff. The office included the librarians charged with the institutional repository, digital humanities, and researcher information systems. I counted no direct reports, no formal predecessors, no preexisting copyright office, nor any other copyright expert on the university's staff. Luckily, I called on former members of the copyright team as my backup, when I was on vacation or out sick.

I organized my services in the following ways: I accomplished the copyright education programs via workshops, in partnership with the central Information Technology and the Center for Teaching and Excellence. I also customized an education program for a special collections cohort. I presented to various groups and classes, by request, like the faculty senate, an honors course for undergraduate researchers, and the Postdoctoral Scholars Association dinner meeting.

I utilized many of the technologies and communication avenues on hand, when dealing with inquiries and consultations. I chatted live via Skype, welcomed walk-ins, maintained office hours, and responded to two email accounts. I resolved questions referred by reference, offered appointments via Springshare's LibCal software, and answered telephone calls. Last, I supported my department by leading the Fair Use/Fair Dealing and Open Access Week celebrations each year, and I headed up the local instances of Public Domain Day. In support of the institutional repository, I penned a risk assessment that led to a collection of five thousand full-text articles written by our own faculty.

ESTABLISHING COPYRIGHT SERVICES: THE CULTURE

In concert with spreading the word about the copyright/fair use librarian, I contacted managers outside my department. I asked for a few minutes on the

agenda during their meetings to introduce myself. I sought out library staff who had extensive social networks across campus, and those who had the longest institutional memory. I scoured the intranet to determine which meetings were standing ones, who were the corresponding chairs, and how many were in attendance. I volunteered for many outreach events, as chances to engage with my new coworkers.

As the newcomer in the role, my collegiality was limitless, and I approached meeting people as opportunities to make a good first impression. From the outset, I built and nurtured relationships, well beyond the library. Once I connected with a student, faculty, or staff, I followed up immediately and responded to their request. My quick turnaround resulted in lecturing for graduate-level engineers, lunching with the anthropology department, and sharing a brown bag session about digitizing collections. As the first copyright expert, I spent innumerable hours in conversations discussing the who, what, where, when, and why of copyright librarianship. I clarified how I added value to their research, scholarship, and teaching. I explained, in practical terms, how my training enabled people to do what they wanted to do, within certain parameters.

Early on, I asked the dean to introduce me to the OGC. The three of us met over lunch, and counsel and I agreed on which matters I should address on my own or refer to them. She also expressed her preference, regarding how and when I should contact her, going forward.

COPYRIGHT SERVICES: MARKETING AND COMMUNICATIONS

I claimed a modicum of experience in marketing and communications prior to this job. The libraries' personnel included our own Marketing and Communications Department, but targeted potential donors. Regardless, they filled me in on the local procedures, workflow, and timing. I knew this information was critical, as it was the only open channel reaching every corner of campus. Thanks to their guidance, I successfully submitted emails to central communications and disseminated my name across the community.

With each communication, I modeled open and welcoming language that the copyright expert was ready to help and available by phone, email, and appointment. I wore the school's oxford shirt regularly to meetings, on which were embroidered the words "ask me about copyright." I posted business cards at the frontline service points, so staff could quickly reach me and distribute them as needed. I called upon an instructional services coworker for help with print copy, designing flyers and handouts listing the services I offered.

COPYRIGHT SERVICES: ASSESSMENT

To date, I characterized my assessment skills as minimal. Luckily, my mentor was an expert, and I followed her advice. Over time, I realized that the only

measure of impact that mattered was the number of people I served. I recorded hash marks during a workshop, counted the email questions, and entered data into instructional services' database, and added them to my evaluation and dossier documentation. I consistently surveyed workshop attendees and dispensed questionnaires to my special collections cohort to complete after each instructional session.

COPYRIGHT SELF-EDUCATION

As I mentioned earlier, my copyright education began long before I was hired as the copyright/fair use librarian. Once my training ended, I applied what I had learned on the job, just six months later. Thus, I spent little time on my professional development around copyright. My network of colleagues kept me up to speed with developments in the field.

COPYRIGHT SERVICES: LESSONS LEARNED

Within my first year, I recognized the importance of managing the library staff's expectations. Although copyright fell within my purview, I received countless inquiries about various legal issues outside of copyright.

In conclusion, I taught many people throughout my four years and gained the respect of my fellow copyright librarians. Two years later, I understand that faculty still ask the graduate studies librarian for my help. However, I consider my greatest accomplishment nurturing eight library colleagues, who wanted to learn more about the topic. Now, they are students studying copyright, which is how I know I succeeded as the copyright/fair use librarian.

CARLA S. MYERS

Over the past decade more and more academic libraries have established a copyright office or identified a member of their staff to serve as a resource on U.S. copyright law for their colleagues in the library and patrons. This is because copyright law permeates almost every aspect of academic librarianship as well as the work of library patrons, including teaching, research, and the creation of new scholarship. Almost any campus community would benefit from having an office or individual on their campus to help students, faculty, and staff navigate copyright issues. However, as offering copyright services will require a significant investment of library resources, the decision to launch this type of program should not be arbitrary but based upon a demonstrated need from the campus community and confirmation they cannot be offered more effectively from another resource. In this chapter, I will be offering my perspectives in developing and offering copyright services at small and mid-sized institutions. From 2011 to 2016 I worked at the University of Colorado Colorado Springs (UCCS), at

a library with approximately twenty-four full- and part-time staff members serving a campus community of approximately fourteen thousand students. At this library almost every employee had multiple roles to fill. For example, I oversaw circulation services with four full-time staff and fifteen to twenty student employees; served as the business librarian, providing library instruction for these classes, one-on-one research consultations for students enrolled in them, and overseeing collection development for print and electronic business resources; staffed the reference desk; served as the copyright librarian; and, as my position was tenure track, actively participated in campus and national service activities as well as published and presented. From 2017 to 2023, I have worked as a librarian at Miami University (MU) (Ohio) in a well-resourced library system with approximately seventy full-time staff members serving a campus community of approximately 19,500 students. In serving as the coordinator of scholarly communications at MU, approximately 60 to 70 percent of my time is devoted to providing copyright services to the campus community. It has been my experience that in developing and offering copyright services at each institution, there are some common questions and themes to consider, but the actual implementation of the program will vary depending on the needs of each individual campus. As such, I have tried to include recommendations and best practices for the development and management of copyright services that are functional, flexible, and adaptable based on the resources a library may have available. This is a bit different from the law itself, that will be the same for libraries in the United States, regardless of size.

IS THERE A NEED FOR COPYRIGHT SERVICES?

Determining the need for these services can be explored in a variety of ways. Formal methods of assessment could include:

- Reviewing data kept by the library for the use of the word “copyright” and related terminology (for example, fair use), such as statistics kept by service points like reference and circulation regarding questions they receive about library services and resources.
- Sending a survey to those who work in the library asking them to provide information about the number and nature of copyright questions they receive from patrons or copyright issues they find themselves addressing in their work.
- Sending a survey to patrons asking about their need for copyright information and where they currently turn to in order to obtain it.
- Hosting focus groups with library staff and patrons to talk about the need for copyright services.

Informal methods of assessment could include:

- Setting up a meeting with the institution's legal counsel to ask what types of questions they receive about copyright from members of the campus community and how they currently respond to them.
- Having casual conversations with library colleagues and administrators about their perceived need for such services to be made available to the campus community.

The ability to perform formal or informal methods of surveying will depend on the resources of the library and the type of position the person who will be offering these services is in. For example, given the magnitude of responsibilities I was working to address each day at UCCS, there was no time to conduct formal assessment of the needs for copyright education on campus. Instead I talked with colleagues in the library and faculty about their copyright information needs and looked over several years of reference statistics and emails to determine the need, focus, and scope of services that I might offer. After hosting workshops on copyright for colleagues and patrons I would send out a simple, five-question survey to those who attended to receive feedback on the program and ask about additional copyright services I could offer that would benefit them. While quite informal, these methods allowed me to develop a robust and effective copyright education program for my campus community. At MU, where I have significantly more time to devote to these responsibilities, I was able to pursue many more paths for identifying campus needs for copyright information, including working with a librarian on staff who oversaw statistic collection and management for front end library services (for example, reference and instruction) who could help me identify and process copyright keywords and questions found in them.

In the course of pursuing information about the need for copyright services on campus it may be found that there are currently people or an office on campus who are available to help folks navigate copyright questions and issues. If so, then meetings should be held with these people or offices to learn more about the scope of services they offer and who they are able to help. It may be that the library can assist them in their work by making supplementary resources available to their constituents, such as reputable treatises on copyright law or a webpage or LibGuide highlighting reputable web resources. If their scope of services is very narrow, for example, just answering questions about the use of open access works as part of class instruction or are just offered to a limited group of people, such as instructors and students in their department, the library can consider how services they are looking to offer can cover other areas of the law or be more fully accessible to all members of the campus community.

If it is determined that copyright services can be of benefit to the campus community, then the next considerations will include, among other things, the scope of the position and support that will be provided to the person (or persons) offering them.

CRAFTING THE PROGRAM

Several components need to be considered to determine the scope of services the library will be able to offer:

- where this position will be housed in the library;
- what type of position it will be;
- what percentage of the position will be dedicated to providing copyright services;
- who they will provide services to; and
- what types of consultations they will be able to provide.

These questions will be useful for all libraries looking to offer copyright services to consider, though answers will vary depending on the institution's need for copyright services and the resources the library will be able to devote to offering them.

Location of the Position

Here it will need to be decided if this position will be located in a particular department, if it might be its own department, or if copyright responsibilities might be distributed across several departments. Some academic libraries have this position in departments that provide reference services and instruction to patrons, which makes sense if much of their work in providing copyright services will be focused on these constituents. Others have the position in departments supporting circulation or special collections and archives, as copyright questions frequently arise when providing services such as interlibrary loan, document delivery, course reserves, and the preservation and digitization of collections. In some libraries, the position is housed in the office of the dean or director of the library. It could be that rather than having one individual supporting copyright services in these different areas, multiple people across these departments and divisions are assigned to learn about the law and sections of it that apply specifically to their area and then work together as a team to help address areas that have an impact on the library or the academic institution as a whole.

At UCCS, my position was based in the library's access services department as my primary professional responsibility was overseeing the day-to-day operations of circulation and reserve services. Based in this area, I was able

to use my knowledge of copyright law to expand their print reserve services and launch electronic and media reserve services. I also had the opportunity to share my knowledge of the law in the other areas I worked in, including reference and instruction. At MU, my position is based in a unique department, Creation and Innovation Services, which supports the library's makerspace. As of the writing of this chapter (2023), I am not aware of any other copyright librarians based out of such a department, though I would argue this location is a good fit for me as intellectual property considerations can impact many different aspects of maker literacy and scholarship produced via machinery such as 3D printers and laser cutters.

Classification of the Position

Often librarians holding an MLIS are charged with providing these services, but there are also many libraries where these responsibilities are assigned to a staff member. While not as common in small to mid-sized institutions as it is in larger institutions, it could be an entire department or division is tasked with providing copyright services with multiple individuals providing support in this area. While my positions at UCCS and MU are classified as librarian positions that required an MLIS, in previous jobs I provided many of the same services that I do now while working in a staff position. At UCCS I had an undergraduate student employee who eagerly and successfully supported in providing copyright education to the campus community. As such, I would argue that an individual's credentials, such as having a bachelor's degree or MLIS, are not critically important to providing copyright services; rather, a willingness to educate oneself about the law and a commitment to exercising integrity in making thoughtful and informed decisions when applying the user rights found in it to library services and resources will lead to success.

Scope of the Position

I would argue that it is rare to find an individual working at a small to mid-sized academic library whose sole responsibility is providing copyright services. It is often the case that, much like my positions at UCCS and MU, these services are provided in balance with other responsibilities. Here, the biggest consideration for library administration and those providing these services will be what percentage of their time will be devoted to providing these services. This division of labor can often be easily established when a vacant position or new position is being crafted to support the copyright needs of an institution, as was the case with my position at MU. However, it is common that these responsibilities are incorporated into the job description of those already working for an academic library. In these situations, it is critical for library administration to ensure that the individual offering copyright services will have the time needed in their work

week to effectively provide them, which could mean scaling back some of their other responsibilities or shifting some to other library employees. Otherwise, overburdening individuals with work can lead to the copyright services being offered by the library not effectively addressing the needs of the institution or the emotional toll of burnout impacting the well-being of employees.

Target Audience and Services Provided

Careful consideration will need to be given to whom will receive copyright services. At some institutions they are just made available to those who work in the library. Often when services are scoped in this manner it is because,

- due to other job responsibilities, those providing copyright services do not have enough time to devote to answering copyright questions from the larger campus community;
- there are other ways for those outside the library to obtain quality copyright information. For example, a website hosted by the institution or an individual in the OGC who offers copyright consultations to instructors; or
- library administrators decide as part of their risk management strategy to only make these services available internally.

More often, copyright services are offered to library employees and the larger campus community, though perhaps in different ways. For instance, internally, the library's copyright expert could be empowered to provide detailed answers to questions their colleagues ask them about the law and assist them in developing plans and policies to address those situations where copyright impacts services and resources offered by the library. For the larger campus community, they instead provide information about the law that can be used by students, instructors, and staff to make decisions for copyright considerations they are facing. At UCCS and MU, I provided copyright services in this manner, offering detailed consultations on the law with recommendations for policy and practice internally, while often providing information about the law to students, faculty, and staff, including directing them to tools that aided them in making applications of user rights, such as fair use, when dealing with third-party works. At both institutions, there have been times when I have worked with individuals in other departments on in-depth consultations that involved significant decisions about the reuse of copyrighted works, but this has always been in consultation with the OGC.

MARKETING COPYRIGHT SERVICES

Copyright services can be communicated to the campus community in a variety of ways. This could include:

- Posts on the library's social media accounts.
- A news article on the library's webpage.
- Having the dean or director email campus leadership announcing them and asking that they pass information along to their faculty and students about them.
- Information tables in the library or around campus where those offering copyright services can connect with users.
- A workshop or informal reception patrons can attend to learn more about the program.
- Emails about special programming, such as a workshop being hosted on fair use.

There should also be a page established on the library's website that explains the copyright services offered to the campus community and provides the contact information for those offering them.

Libraries of different sizes will be able to support marketing efforts in various ways. For example, at UCCS we did not have a staff member who supported marketing for the library. Instead, at the beginning of my time there, I was solely responsible for marketing my services, which I did mostly via emails sent to campus listservs. Later a marketing committee was established for this library, made up of members of the library staff who could help others in promoting services and resources they supported, and it aided me significantly in developing professional marketing materials and communicating my services via new channels, such as the library's social media accounts. At MU, we do have a dedicated marketing department who have helped me in communicating information about the services I offer to the campus. However, in both jobs I found that word of mouth was the most effective tool for advertising on campus. At both institutions, I would estimate that at least 40 percent of those who I engage with do so because a friend or colleague shared my contact information with them when they mentioned they were struggling with a copyright issue.

IDENTIFY ALLIES

Chances are that there are individuals across campus who can assist in addressing copyright questions and issues. For example, attorneys from the institution's OGC and those providing copyright services will likely find they can work well together to serve the campus community. This can include the OGC referring individuals who contact them with copyright questions to the library for help, and the library consulting the OGC when legal assistance is needed with a copyright issue, such as working through compliance issues found in some user rights. For example, if a library was seeking to make works available to patrons under the Technology, Education and Copyright Harmonization Act, the institution must, among other things, have "policies regarding

copyright” in place and provide “informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to students that materials used in connection with the course may be subject to copyright protection.”¹ Here the OGC could help the library ensure they are meeting the requirements laid out in the statute so they can receive the protection it provides. At UCCS and MU I have been fortunate to have positive relationships with individuals in the OGC. In both situations, as I began offering copyright services my dean reached out on my behalf to set up a meeting with those working in the OGC so I could introduce myself and we could discuss ways we could work together to provide copyright information and education to the campus community. Staff supporting copyright services should ask their administrators if they are aware of any other individuals at the educational institution who have experience working with copyright law, they can connect them with or ask if they can reach out to deans, directors, and department heads across campus to see if they are aware of individuals on their staff who have knowledge of copyright and can serve as allies when answering copyright questions or working through copyright issues.

GROWING AND MAINTAINING COPYRIGHT SERVICES

Once copyright services are established, plans must be made to help ensure their continued success. This includes providing ongoing copyright education for those providing the services and making sure that those offered continue to serve the needs of the campus community.

Continuing Education

While the law itself is not revised or updated frequently, changes to it are made, such as the passage of the Copyright Alternative in Small-Claims Enforcement (CASE) Act in 2020, which established a small claims system within the U.S. Copyright Office for resolving some copyright disputes, or the triennial rule-making process associated with the Digital Millennium Copyright Act that looks at granting exemptions to the ban on the circumvention of technology measures found in Section 1201 of the U.S. Copyright Act, that those providing copyright services should be aware of as they can impact their work. Opinions from the courts on copyright cases are also important to follow as they can provide guidance on the application of the law, such as user rights the library may be looking to exercise when seeking to make services and resources available to its patrons. There are several different ways to stay abreast of developments in the law, lawsuits, and the practices of colleagues in the field. These include:

- Joining professional organizations that support those working with copyright, such as the University Information Policy Officers (UIPO), “an organization for copyright and information policy professionals working in academic libraries and research libraries in the United States and Canada.”²
- Attending conferences and events planned specifically for those working with copyright in libraries and academia, such as the Kraemer Copyright Conference (<https://copyright.uccs.edu/>) hosted by UCCS or the Miami University Libraries Copyright Conference (<https://copyrightconference.lib.miamioh.edu/>), hosted by MU.
- Identifying and engaging with sessions on copyright at professional conferences such as those hosted by state and regional library associations or national conferences such as the American Library Association (ALA) or the Association of College and Research Libraries (ACRL).
- Following periodicals such as the *Journal of Copyright in Education and Librarianship* (JCEL), “a peer-reviewed open-access publication for original articles, reviews and case studies that analyze or describe the strategies, partnerships and impact of copyright law on public, school, academic, and digital libraries, archives, museums, and research institutions and their educational initiatives,”³ or seeking out monographs from reputable publishers in the field such as ALA and ACRL that are written by authors who have experience working with library copyright issues.
- Participating in webinars on library and academic copyright issues or engaging with other online learning opportunities such as Harvard’s CopyrightX: Libraries (<http://copyx.org/affiliates/copyrightx-libraries/>), or Massive Open Online Courses on copyright, such as Coursera’s Copyright for Educators and Librarians (<https://www.coursera.org/learn/copyright-for-education>).

Those providing copyright services will need support from library administrators with continuing education. This includes time allotted to participate in continuing education opportunities and, where applicable, funding to travel to them. Funds can also be allotted by administration for acquiring quality treatises on U.S. copyright law that serve as reference resources for the library staff and members of the academic institution.

Evolution of Services

While there may be some key copyright services provided all the time, such as answering reference questions about the law, it is often the case that the work these individuals are offering over time will change to meet the needs of the campus community. For example, if a library or academic institution decides to start offering publishing services, those providing copyright services may

be called upon to help support authors in managing rights clearance issues or, in the case of open publishing, deciding what open license can be attached to publications that will allow robust downstream uses. As new copyright information needs emerge, those providing copyright services will need to talk with administrators about how they will be incorporated into their current workload. For example, while working at UCCS it became apparent that there was a campus need for help in managing the copyright issues associated with the open sharing of research data and publications, as required by many grant funders. Given the number of responsibilities I already had with that position, it was decided that I would develop and maintain a webpage with information that researchers could consult to learn more on this topic, but due to limitations on my time I would be unable to help patrons develop data sharing plans. Alternatively, as it became apparent at MU that my knowledge of U.S. copyright law could be helpful to our OGC in addressing campus copyright issues, I was empowered by my supervisors to allot more of my time to this part of my job, and this portion of my responsibilities grows every year. Those providing copyright services may wish to keep statistics about the types of questions they are getting that can be used to spot and respond to trends or emerging areas of interest they can support. They must also be able to have frank and open conversations with administrators about their needs to grow and evolve these services, which could involve reprioritizing areas they are working in, retiring some initiatives, such as workshops on a particular topic that are seeing low attendance, or even the need to bring in additional employees to help provide these services.

PUTTING IT ALL TOGETHER

While the resources needed to develop, promote, maintain, and grow copyright services in a library are significant, it has been my experience that they are highly valued by colleagues in the library and patrons alike. Providing these services can help support the mission of the library and the educational institution, which usually involves providing access to information and supporting teaching, research, and the creation of new scholarship, a mission aligns closely with the purpose of copyright law as outlined by the framers of the U.S. Constitution, which is to “promote the progress of science and useful arts.”⁴ Libraries seeking to offer these services or expand existing ones should seek input from their fellow employees and patrons as to how to develop a program that best suits their needs and continue these conversations over time to help ensure that the copyright information being provided adapts and evolves in line with the growth of the institution. Allies on campus, such as the OGC, can play a key role in supporting the work of the library in this area, including efforts to effectively market them to the campus community so students, faculty, and staff know where to go to get assistance with copyright questions.

DONNA L. FERULLO

STRUCTURE AND ROLE

The University Copyright Office (UCO) at Purdue University was established in 2000. At that time, it was one of only several universities in the United States that had a dedicated copyright office. The UCO had a healthy starting budget and the services of a part-time administrative assistant. Over the years the budget has been incorporated into a central one, but resources are generally available to meet the needs of the Office. Staffing levels have fluctuated, but currently there is still a part-time administrative assistant, and other support staff can be utilized as necessary.

Purdue University is a large R1 public university in Indiana. The main campus is located in West Lafayette and there are regional campuses throughout the state. As of fall 2022, there were 50,884 students on the main campus with an overall student population of 69,510, which includes the regional campuses. There were 17,598 faculty and staff on the main campus with a total of 22,731 when counting all campuses. The UCO is physically located on the West Lafayette campus in libraries administration.

Educational requirements for the director of the UCO were a master's in library science (MLS) and a law degree (JD) with a license to practice in any state. Experience in copyright, preferably in academic libraries, was also required. This is a faculty appointment with the same requirements for promotion and tenure as other disciplinary faculty within the university.

The role of the UCO is to advise the university on copyright policy and issues as well as respond to copyright inquiries from the entire Purdue community. Educating faculty, staff, and students on copyright is also part of the director's responsibilities. In addition to the education and compliance aspect of this position, the director is responsible for monitoring case law and amendments to the copyright law. In conjunction with the general counsel, she advises the president and other senior administrators on changes that would impact the campus such as the TEACH Act and more recently the establishment of the Copyright Claims Board. There is an element to this role that also includes advocacy. It could be internally advocating for individuals, groups, programs, and policies or externally for the library profession or to provide input to the U.S. Copyright Office and Congress for potential copyright law amendments.

The UCO director reports to the dean of libraries and has a dotted reporting line to the general counsel. The placement of the UCO in libraries, but with university-wide responsibilities, was very deliberate. Libraries and librarians are considered trustworthy and able to maintain their neutrality and objectivity. They are often considered the neutral Switzerland at many universities. Due to their reputation on campus and their knowledge of publishers, many academics automatically assume that librarians and library staff are also experts on copyright. The accuracy of this assumption varies across universities but is generally

accurate even including many university counsel offices. Copyright in libraries is particularly specialized in many instances.

When the position was first created, Purdue did not have in-house legal counsel and all legal decisions had to be approved by the law firm that represented the university. In 2013, Purdue hired their first general counsel and created the Office of Legal Counsel (OLC). At that time, the director began reporting to the general counsel and assumed more legal responsibilities. Holding an Indiana law license became a requirement, but that also allowed the director the opportunity to provide legal advice and formally speak for the university. Prior to that the director provided legal information but not necessarily legal advice. It is certainly a fine line between advice and information, so it had to be navigated quite carefully.

NEEDS ASSESSMENT

I was hired as the UCO director in 2000 to lead the office. Because this was a brand-new addition to campus, there were no established policies and procedures to provide guidance. It was a blank slate that I could take in any direction subject of course to the general parameters. It was all very exciting but quite daunting at the same time. Every institution has their own culture, so I had to understand what that was and navigate it as well.

One of my first actions was to conduct a copyright audit to have a baseline of campus understanding of copyright and what services would be needed to increase copyright knowledge and compliance. I did this through numerous conversations around campus, sending out surveys to the various colleges and schools, and having discussions with library faculty and staff on the copyright questions they were receiving. Not surprisingly, I discovered that the campus had varying degrees of understanding. Libraries faculty and staff seemed to have the most familiarity with copyright issues compared to other areas of campus. One consistent theme throughout my conversations was the assumption that all educational use of copyrighted works was fair use. People could not articulate what fair use was, but they were certain that was the law, and they were automatically in compliance by virtue of being employed by or attending an educational institution. Debunking that myth became first on my to-do list.

After the audit and determining that I needed to provide a baseline of copyright education, I decided to divide the constituents into three major groups: faculty, staff, and students. My approach to each was a bit different, but the goal was to reach as many as possible and familiarize them with the application of copyright in education. I also wanted to ensure that they understood that there are two sides to copyright: ownership and use. They needed to be aware of the rights they have to the copyrighted works that they create

and the responsibilities they have when they use other people's copyrighted works for teaching and research.

MARKETING OF SERVICES

I identified key partnerships for all three groups and began networking. For faculty, I utilized the connections of the libraries dean and associate deans to gain entry into groups that I would not ordinarily have access to. I requested time at department meetings, garnered slots in programs at the colleges and schools, and met with members of the university senate. In the beginning I did not truly appreciate the power of faculty status. However, it has become apparent to me throughout the years that such status opens doors to opportunities and conversations that a staff member including administrators might not be privy to.

Discussions with faculty generated invitations to guest lecture in their courses in all the disciplines, which then provided access to students. I met with both the undergraduate student government and the graduate student government. I worked closely with the graduate school and provided workshops in their responsible conduct for research seminars and presented at their thesis and dissertation programs. For undergraduates, I partnered with the Dean of Students Office and orientation teams to reach incoming students as well as provide programming in the residence halls. There are many formal and informal avenues in which to connect with students. I tried to take advantage of as many as possible.

Connecting with staff on a macro level was a bit more problematic because there were fewer centralized groups that had staff representation. I met with the two major groups on campus that represented the professional, clerical, and service staffs. I also began to target certain groups and departments that I knew had copyright concerns such as printing services and the extension office. In this type of environment word of mouth was one of the best ways to market my services.

I took every opportunity to spread the word that there was an expert on campus to guide them through the copyright maze. This included guest lectures, organizational presentations, and workshops as well as individual consultations. I developed print publications and an online presence. I utilized the services of the university marketing and media group as well as the marketing team for the library. Did I hit roadblocks? Absolutely. One of the biggest roadblocks that I had to overcome was the perception that I was the copyright police. I emphasized that I was there to educate and help resolve copyright issues and not report them or penalize them for any real or perceived infractions. People do not seem to be quite as suspicious of my motives now as they did in the early years, so I count that as a win. However, the key is to persevere and

find a way to reach as many members of the campus community as possible. I also try to simplify my message by making it as nonlegalistic as feasible and applicable to the person's position.

PROVISION OF SERVICES

As one can imagine, on such a large campus, there is a broad array of copyright questions and issues that must be responded to in a timely manner. I receive questions 24/7 mostly through my direct email or through a centralized mailbox that is available on the UCO website. Purdue has a very large international student population, and so during the COVID-19 pandemic, I would receive questions from all different countries and time zones.

The teaching faculty have questions on what materials they can use in a face-to-face classroom and in an online environment through a course management system. This can range from streaming a movie to playing music to distributing paper and/or electronic copies of journal articles and book chapters. Most of the questions center on using other people's copyrighted works. The research faculty are generally more concerned with ownership of the works they create and suggestions on how to manage their copyrights. To this end my role might be to interpret Purdue's Intellectual Property Policy or discuss copyright options when interacting with publishers or advise on copyright requirements for federal grants.

Undergraduate student questions are more often than not media related. It can vary from a student group wanting to show a popular movie on campus to determining what is legal and illegal to download to ownership rights in works they create in class and beyond. Graduate students are more concerned with copyright ownership in their thesis and dissertations. There are a lot of questions about how and where to publish their works and strategies for retaining their copyright or some rights in order to reuse their works.

Professional and clerical staff questions run the gamut from copyright in website and social media content to rights in works they create from videos to presentations. Librarians and library staff have questions on e-reserves, acquiring and displaying archival materials, and fair use applications.

Many times, the questions are complex, and copyright is only one component that must be addressed. There are other areas of law such as contracts; licenses; trademarks; privacy rights; publicity rights for someone's name, image, and likeness; and even probate law that might need to be analyzed in order to fully respond to a question. Some of the laws are state based and others are federal, so which law is applicable must also be taken into consideration.

In a data-driven world, tracking the data on questions to the UCO is very important. It helps to identify trends and provides information for planning purposes. Capturing the information and organizing it can be challenging. As an attorney, I have a duty to protect the confidentiality of my clients, which is the

university and the employees as well as students. I must ensure that the data I collect is stripped of any personally identifiable information. The data must be more generic, so I organize it first by general subject categories such as fair use, teaching, research, and ownership and then more specific areas under each category. I also identify the employee status of the person asking the question such as faculty and their rank and discipline and then administrative, professional, and clerical service staff and their departments. For students, I collect data on their year of study and their major. Every piece of information is valuable and provides guidance on where I need to focus my campus educational efforts.

MOVING FORWARD

My position has certainly morphed over the past twenty-three years, particularly with the additional legal responsibilities I have assumed and with the rank of full professor. However, the skill set of this position remains the same. Obviously, an in-depth understanding of the copyright law and ancillary laws that impact copyright is critical as well as flexibility, diplomacy, creating win-win situations, active listening, and a sense of humor will help anyone who handles copyright issues not only survive but flourish. My priority as director has not changed since I assumed the position and that is to meet the copyright needs of an ever-changing campus in whatever strategic way leads to successful copyright outcomes.

NOTES

1. U.S. Copyright Act, 17 U.S.C. § 110(2)(D)(i).
2. "Welcome to UIPO," University Information Policy Officers, accessed January 18, 2023, <https://universityinformationpolicyofficers.wordpress.com/>.
3. "About the Journal," *Journal of Copyright in Education and Librarianship*, accessed January 17, 2023, <https://www.jcel-pub.org/about>.
4. U.S. Const. art. I, § 8, c8.