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2016

Copyright practices and approaches at Canadian universities

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Copyright Practices and Approaches at Canadian Universities

Report of a National Survey

ABC Copyright Conference, Halifax, May 2016

Rumi Graham

Christina Winter
### Horava 2008 Survey

**Goal:** “to capture the pulse of academic library practices and perceptions with respect to copyright”

<table>
<thead>
<tr>
<th>Location of responsibility for copyright education within institution and library?</th>
<th>Interplay between library and institution in policy leadership, from library’s viewpoint?</th>
<th>Strategies used by libraries to communicate copyright information?</th>
<th>Major challenges faced by academic libraries?</th>
</tr>
</thead>
</table>

## 2015 Survey on Copyright Practices

### Goal
- What has changed since 2008?

### Key Areas
- **Education**: methods, topics?
- **Policy**: formal policy? Blanket license?
- **Permissions**: coursepacks, LMS, reserves, e-reserves?

### For Each Area
- **Locus of responsibility** within institution?
- **Changes** over past 5 years?
- **Challenges**?
2008 and 2015 Survey Distribution

• University librarian or library director at member institutions of:

  Council of Atlantic University Libraries (CAUL)
  Bureau de Coopération Inter-universitaire (BCI)
  Ontario Council of University Libraries (OCUL)
  Council of Prairie and Pacific University Libraries (COPPUL)

• Number of institutions: 2008 – 75; 2015 – 79
• 2015 survey anonymous
2015 Respondents By Consortium (n=48)

- OCUL: 25%
- COPPUL: 37%
- CAUL: 19%
- BCI: 19%
Respondents by Institutional Size (FTE)

- Small (up to 10,000)
- Medium (10,000 to 25,000)
- Large (25,001+)
- Unknown

2015 (n=48) 2008 (n=63)
Respondents by Position Title

- **Executive**
- **Second-Tier Executive**
- **Copyright Position**
- **Other/ No response**

**2015 (n=48)**

**2008 (n=63)**
Respondents Holding Copyright Positions

2008
copyright positions: 4

“Creating this [copyright-specific] position is tangible evidence of the priority of copyright issues in the institution for the university community as a whole.”

(Horava, 2010)

2015
copyright positions: 27
(2 combined executive/copyright positions)
Copyright Education Responsibility

- Library alone/shared: 2015 (n=48) vs. 2008 (n=63)
- Copyright office alone/shared
- Other campus unit
- Copyright committee
- Central admin
- None identified
2015 Permissions Responsibility (n=48)
Policy Responsibility: Copyright Ownership

Bar chart showing the distribution of policy responsibility for copyright ownership in 2015 (n=48) and 2008 (n=63).

- Central admin alone/shared: 2015 vs 2008
- Copyright office alone/shared: 2015 vs 2008
- Office of research alone/shared: 2015 vs 2008
- Other non-administrative: 2015 vs 2008
- Not applicable/No response: 2015 vs 2008

Bar lengths indicate the percentage of responses for each category.
2015 Policy Responsibility: Compliance & Use

- Library alone/shared: 40%
- Copyright office alone/shared: 20%
- Central admin alone/shared: 20%
- Copyright committee: 10%
- Not applicable/No response: 0%
2015 Blanket Licensing (n=48)

Have blanket licence?  
Ever opted out?
2015 Changes in Approaches to Education?

<table>
<thead>
<tr>
<th>Themes in Written Responses</th>
<th># Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>education programs launched, broadened or intensified</td>
<td>26</td>
</tr>
<tr>
<td>new permissions clearance environment due to terminated blanket license</td>
<td>14</td>
</tr>
<tr>
<td>responsibility for education reassigned to copyright office</td>
<td>12</td>
</tr>
<tr>
<td>new or revised help pages and guidelines</td>
<td>12</td>
</tr>
<tr>
<td>focus on new case law and Copyright Act amendments</td>
<td>8</td>
</tr>
<tr>
<td>new copyright education-related administrative structures, priorities, processes</td>
<td>4</td>
</tr>
</tbody>
</table>

Yes 77%  No 17%  No response 6%; n=48
### Themes in Written Responses

<table>
<thead>
<tr>
<th>Theme</th>
<th># Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>communicating copyright information effectively and comprehensively</td>
<td>33</td>
</tr>
<tr>
<td>ensuring copyright/licensing compliance</td>
<td>13</td>
</tr>
<tr>
<td>overcoming obstacles to compliant practices</td>
<td>8</td>
</tr>
<tr>
<td>addressing staffing and staff expertise requirements</td>
<td>4</td>
</tr>
<tr>
<td>dealing with legal and statutory interpretation uncertainties</td>
<td>3</td>
</tr>
<tr>
<td>evaluating the need for/moving away from blanket licensing</td>
<td>2</td>
</tr>
<tr>
<td>helping faculty and students understand their copyrights and publishing choices</td>
<td>2</td>
</tr>
</tbody>
</table>
Education Challenges?

2008
“... many copyright challenges face libraries, particularly the effective education of users and the complexities of interpreting the law”

Horava, 2010

2015
“Getting the information to everyone that needs it in a timely manner”
“New . . . uses of copyrighted material often . . . involve questions that have not yet been answered and fall into very gray areas of fair dealing”

respondents, 2015
## 2015 Copyright Policy Challenges?

### Themes in Written Responses

<table>
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<th># Responses</th>
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</thead>
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<tr>
<td>applying policies appropriately</td>
<td>8</td>
</tr>
<tr>
<td>establishing or updating institutional policy</td>
<td>6</td>
</tr>
<tr>
<td>monitoring compliance with copyright and license usage terms</td>
<td>3</td>
</tr>
<tr>
<td>achieving appropriate staffing levels for education and services relating to policy</td>
<td>3</td>
</tr>
<tr>
<td>addressing various specific policy-related issues</td>
<td>3</td>
</tr>
</tbody>
</table>
“We're in need of articulated guidelines for use of digital resources/ streaming media within context of classroom, LMS and MOOC environments.”

“Ensuring that the application of fair dealing remains flexible while also ensuring that we are providing consistent copyright advice about ‘authorized’ uses in order to manage risk.”

“Communicating effectively to Faculty, especially sessional/adjunct and clinical.”
2015 Copyright Permissions Challenges?

<table>
<thead>
<tr>
<th>Themes in Written Responses</th>
<th># Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>managing specific aspects of permissions services</td>
<td>15</td>
</tr>
<tr>
<td>achieving user understanding of the need for permissions and how to assess them</td>
<td>12</td>
</tr>
<tr>
<td>acquiring permissions for specific kinds of works</td>
<td>11</td>
</tr>
<tr>
<td>securing administrative support for developing and staffing permissions systems or tools</td>
<td>8</td>
</tr>
<tr>
<td>acquiring permissions generally</td>
<td>2</td>
</tr>
</tbody>
</table>
2015 Permissions Challenges?

“Lack of understanding of copyright rights and permissions”

“Obtaining permission for material that is dated, obscure or not Canadian created”

“Faculty want to publish more in course packs than are allowed under fair dealing yet don't want to ask for or pay for additional access”

respondents, 2015
Main methods of providing copyright education? Topics most frequently covered?

Is a copyright policy or guideline in place, and if so, when was it established and what does it cover?

Does the permissions clearance process include checking whether a library electronic resource licence is applicable?
Institutional responsibility for copyright
  • most often led by a Copyright position

Copyright education & permissions clearance
  • most often the responsibility of the Library or Copyright office

Blanket licensing
  • operating without a collective blanket licence: a live issue

Changes since 2008
  • stronger Library role in copyright matters within universities
  • more Copyright offices/Copyright-specific positions created
2015 Survey Links

• Invitation to participate
  • http://bit.ly/1rDuni1 (English)
  • http://bit.ly/21Q3ovV (French)

• Survey questions
  • http://bit.ly/23F9QW0 (English)
  • http://bit.ly/24IM1PE (French)

• Preliminary summary
  • http://bit.ly/1T7NHA7 (English)