

CHAPTER 8



“Information Has Value” and Beyond: Copyright Education within and around the *Framework*

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Introduction

The Association of College and Research Libraries’ *Framework for Information Literacy for Higher Education* offers a broad outlook regarding the core concepts necessary for responsible, informed, and generative information use. Just as the *Framework* is adaptable for many disciplines and teaching strategies, it implicitly supports opportunities for librarians and other instructors to discuss the legal and social structures underlying information creation, use, and reuse. The idea of intellectual property shapes the information landscape to which learners are formally introduced within the *Framework*; therefore, the *Framework* presents a singular opportunity to discuss topics—no matter how basic—related to copyright and fair use. Just as advocates of critical library pedagogy and social justice praxis have identified opportunities and gaps in the *Framework*, copyright educators may need to teach both within and beyond the frames in order to connect learning to practice.

This chapter seeks to examine opportunities within the *Framework* itself to discuss copyright with learners in an accessible and understandable way. This may be accomplished by integrating copyright into existing

information literacy sessions, library-taught courses, and online materials, or the *Framework* may be used to better connect existing copyright instruction and resources to undergraduate learners. This chapter begins by discussing the *Framework* and information literacy as related to copyright, locating opportunities to discuss copyright within several frames. As information literacy is often a project located within undergraduate curriculum development, particularly for first-year students, the discussion then focuses on methods for connecting copyright to undergraduate learning. Upper-level learners may also experience gaps in information literacy instruction as they begin to encounter copyright in concrete ways within their academic lives, so this chapter closes by offering some suggestions regarding outreach to that student population as well.

The *Framework* as a Starting Point

Library pedagogy, especially the instruction of undergraduate students, focuses on the idea of information literacy. *The Framework for Information Literacy for Higher Education* (hereafter the *Framework*), administered by the Association of College and Research Libraries, was made available in 2015 and accepted in 2016 to replace the *Information Literacy Competency Standards for Higher Education*, published in 2000. The purpose of the *Framework* is to offer a set of interrelated major themes which can be integrated into discipline-based, library, or core curricula in order to promote the development of information literacy skills.

The *Framework* offers the following as a definition of information literacy: “The set of integrated abilities encompassing the reflective discovery of information, the understanding of how information is produced and valued, and the use of information in creating new knowledge and participating ethically in communities of learning.”¹ Even within this definition, the clear role of intellectual property education is evident through references to “how information...is valued” and using information “ethically.”

The *Framework* seeks overall to promote metaliteracy, a concept which repositions information literacy as “an overarching set of abilities in which students are consumers and creators of information who can participate successfully in collaborative spaces.”² Metaliteracy locates learners within digital sites of information exchange, such as online communities or social media, and focuses on the development of the

skills necessary to navigate, learn from, and contribute to these spaces. This idea incorporates the affordances of the digital world, which requires learners to connect multiple literacies (e.g., digital literacy, visual literacy, and media literacy) and to view information as a “dynamic entity that is produced and shared collaboratively.”³ Information production and sharing, of course, will connote to a copyright librarian the necessity of promoting an awareness of the complex web of legal and ethical issues accompanying such practices.

Copyright underpins information creation and use, and its attendant lessons about fair use, licensing, and copyleft mechanisms such as Creative Commons are important for understanding one’s own information creation and reuse. The *Framework* explicitly mentions copyright in relation to information ethics, taking up the topics of citation and plagiarism in order to promote responsible research practices. This is in line with the *Standards* that the *Framework* replaces, although the previous guidelines focused much more narrowly on a prescriptive vision of competencies necessary to enable ethical content use. For a more nuanced view of the interplay between intellectual property rights (and responsibilities) and information literacy, however, an instructor will need to consider the learning objectives of the *Framework* through the lens of a copyright specialist rather than seeking guidance from the document itself.

The *Framework* also opens the door for a discussion of students as creators of copyrighted works. This constitutes another stark divergence from the previous *Standards*, which promoted a more strictly consumerist view of information. Despite the use of terminology envisioning information creation as necessarily transactional, the *Framework* recognizes the generative power of learners. Indeed, learners are already information creators, whether they (to use the language of the *Framework*) “see themselves” that way or not. Most learners will have been regularly creating copyrighted content and potentially posting it to online systems that demand certain uses of that content as a term of service. Recognizing the specific currents of copyright at play in their own lives—“how this applies to them”⁴—promotes a broader understanding of this topic. Opportunities to connect copyright education to the *Framework* and to students’ lived experience will be discussed later in this chapter.

A focus on the student as a learner with their own unique experiences and potential contributions will reify one of the deeper concepts which can be teased out of the *Framework*: learner agency. A criticism of the *Framework* is that it does not promote learner praxis, or the enactment of the theories learned, but instead “stops short of advocating curriculum and pedagogy that develops active responses” to an understanding of concepts such as information privilege.⁵ Learner praxis must therefore be promoted as an extension of the *Framework* rather than an inherent value within it. Learners already interact with and create copyrighted material constantly; therefore, learner agency with regard to copyright is an outcome that is likely both attainable and beneficial in a way that is obvious to the learners themselves.

The *Framework* offers a vision of metaliteracy and opportunities to promote student agency, but certain applications of these pedagogical practices must be created based on the gaps or inherent opportunities in the frames. It is in this liminal space that copyright education can take root within information literacy instruction.

Copyright, Information Access, and Social Justice

The opportunities afforded by the *Framework* to explicate information creation and access as well as social justice issues have been explored by other authors but bear consideration in this conversation for their particular application to copyright education. The ACRL Information Literacy Competency Standards for Higher Education Task Force considered but ultimately decided against including a standalone frame focused on social justice, instead incorporating social justice-related topics into the other frames.⁶ Authors discussing the *Framework* from a social justice standpoint have noted that although the frames incorporate openings for a discussion of social justice, the language is often “passive”; for example, learners are “inclined” to examine their information privilege rather than simply examining it.⁷ The economy of information is also privileged in the neoliberal language of the “information marketplace” that learners are meant to contribute to, seeming to “raise the value of information as a commodity over other dimensions of value.”⁸

Despite these criticisms of the document's incorporation of social justice, a discussion of information access and use is incomplete without a discussion of the structures at play with regard to information ownership. Copyright underpins information access and use in ways which are often hidden from information users, especially those new to research. The *Framework* offers a unique opportunity to not only educate learners about copyright in general but also to address more specific legal inequities—that is, how copyright affects them in particular as information users and creators. Often, this includes a discussion about how market forces and the power of publishers as rightsholders “inhibits their access to needed materials and limits their ability to control the dissemination of their own work.”⁹

This discussion can and must center information privilege, or “who can access what, from where, for how long, to what end.”¹⁰ What role does copyright have to play in the commercial scholarly infrastructure? How do the power structures inherent in the ecosystem of scholarly communication influence what is considered “publishable” or “scholarly”? How does the system of for-profit publishing and rights-holding enforce a system of information haves and have-nots? What access to information do learners have while enrolled at a college or university that they will not have after they leave? What access do such learners have on campus that they do not have (at least in the same way) off-campus? What are the discrepancies in information access between different institutions?

These questions are not meant to be asked and answered all at once; in all likelihood, copyright educators do not have an opportunity to focus exclusively on the topic of information access and social justice. Just as the *Framework* is meant to be iterative and integrated throughout the learning process, so too must this discussion of information justice be woven into the fabric of discussions about information creation and use.

The Frames

The six individual areas of focus in the *Framework* are called the frames; they are Authority Is Constructed and Contextual, Information Creation as a Process, Information Has Value, Research as Inquiry, Scholarship as Conversation, and Searching as Strategic Exploration. These broad topics, taken together, are meant to “organize many other concepts and ideas

about information, research, and scholarship into a coherent whole.”¹¹ Each frame contains knowledge practices (methods for increasing understanding) and dispositions (descriptions of the “affective, attitudinal, or valuing dimension” of the frame content).¹² Taken together, each frame seeks to describe an aspect of information literacy in a way which, at least semantically, privileges understanding rather than a prescriptive set of competencies.

The locus of copyright instruction within the *Framework* is the frame Information Has Value. This frame investigates the way in which information is commodified and presents a unique opportunity to discuss scholarly communication with students. By using this frame as the introduction to copyright (rather than its only entry point into the curriculum), an instructor may find many opportunities to investigate the intersections between copyright and information literacy in the remaining frames.

Copyright in the Framework: Information Has Value

The frame Information Has Value is perhaps a natural starting point for a discussion about copyright due to its explicit mention of “intellectual property laws.” The frame is worth including in its entirety due to its sustained focus on the legal and commercial implications of information value:

Information possesses several dimensions of value, including as a commodity, as a means of education, as a means to influence, and as a means of negotiating and understanding the world. Legal and socioeconomic interests influence information production and dissemination.

The value of information is manifested in various contexts, including publishing practices, access to information, the commodification of personal information, and intellectual property laws. The novice learner may struggle to understand the diverse values of information in an environment where “free” information and related services are plentiful and the concept of intellectual property is first encountered through rules of citation or warnings about plagiarism and copyright law. As creators and users of information,

experts understand their rights and responsibilities when participating in a community of scholarship. Experts understand that value may be wielded by powerful interests in ways that marginalize certain voices. However, value may also be leveraged by individuals and organizations to effect change and for civic, economic, social, or personal gains. Experts also understand that the individual is responsible for making deliberate and informed choices about when to comply with and when to contest current legal and socioeconomic practices concerning the value of information.¹³

The concept of copyright is inextricably intertwined within this frame. The academic publishing system relies on copyright to maintain control over information objects, and information access is affected in turn. The frame also identifies some ways in which students may already have encountered the idea of ethical and legal information use: citation and plagiarism. The final section of the frame gestures toward the power structures active in the creation and commodification of information, gesturing ultimately to fair use, advocacy, and copyleft mechanisms to "contest" how information is typically used.

The knowledge practices of this frame indicate how learners might demonstrate an understanding of certain facets of this topic. Included among those practices are mentions of citation, cultural relativity as applied to intellectual property, information access (and lack thereof), and a directive to "articulate the purpose and distinguishing characteristics of copyright, fair use, open access, and the public domain."¹⁴ Several large topics are grouped together in this latter practice, but their inclusion provides a good justification for the instructor seeking to integrate an awareness of copyright into the curriculum. The dispositions for this frame encourage learners to recognize the value of information creation and conceptualize their own role as information creators but only gingerly suggest that the learners become "inclined" to perceive and examine the information privilege that they may possess.¹⁵ In order to more fully realize these concepts, a more robust integration of copyright into the remainder of the information literacy curriculum is called for. Rather than simply articulating the purpose of these concepts, as the knowledge practices suggest, learners must be encouraged to understand their own participation in the realm of information seeking, reuse, and creation.

This frame can be used to aid in understanding the underlying infrastructure of scholarly communication: why information access looks a certain way, why learners might not be able to access the information they need instantly, and why their professors are concerned about them quoting and citing information appropriately. It can also empower learners to confidently enter into the scholarly conversation and begin to participate in practices of attribution and reuse. In short, understanding the value of information to various stakeholders—creators, publishers, and information users—will help learners to contextualize their own current and future scholarship.¹⁶

However, an understanding of copyright based on the *Framework* need not only apply to a learner's scholarly life. The broader scope of an individual's interaction with information can be considered when teaching using the *Framework*. The skills required to evaluate information for scholarly purposes can and should be applied to other forms of information, such as posts on social media or news reporting. A learner's consciousness of intellectual property should also transcend a simply scholarly treatment. Learners may have more copyright and intellectual property questions related to their personal or creative pursuits than about their scholarly work, especially at the undergraduate level. Learners may also not realize the ways in which copyright intersects with their lives on a moment-to-moment basis, particularly as related to content online. A more holistic treatment of copyright, therefore, will more fully promote the threshold concept of Information Has Value.

Finding Copyright in Other Frames

Although the Information Has Value frame contains the clearest references to copyright education, other frames present opportunities to renew the discussion. Scholarship as Conversation returns to the concept of citation as a mechanism for giving proper credit. Although citation has clear ethical dimensions which are distinct from its legal implications,* participation in the scholarly conversation by making use of existing works can be related to an earlier discussion of copyright. The dispositions of

* It is important to note, however, that the ethical and the legal are not entirely unrelated. Creative Commons licenses, for example, codify an expectation that material be attributed, and the presence of a citation can contribute favorably to an argument for fair use.

this frame also include the idea that learners are information creators in addition to information users, requiring some concept of what rights they have as creators as well as their options in terms of encouraging reuse of their work.

The frames Scholarship as Conversation and Information Creation as a Process address the topics of information formats and the architecture of scholarly publication. A broad overview of the scholarly publishing system will incorporate many of the main topics within the *Framework*, including discussions of the authority, format, and value of information. The idea that copyright changes hands within scholarly publishing may provide an example of the commercial value of information as a commodity, while discussing the occasions on which authors retain their copyright may offer a jumping-off point for discussing open access and different article formats such as pre-prints and post-prints.

The Searching as Strategic Exploration frame may offer an unexpected, and often unavoidable, lesson about information availability. Instructors who have performed live search demonstrations have inevitably encountered results which are not available at their institution. This presents a good opportunity to explicate the issues around information access and ownership. A discussion of why a particular result is unavailable (at least immediately) offers several lessons; a dead-end within a database is a chance to discuss the economics of information and information availability, to attempt to disambiguate publishers from individual journals from database platforms, and to identify the suite of rights granted by copyright that underlie many of these systems. It may also present an opportunity to discuss emergent and alternative methods of providing and obtaining information, such as open access. For students who may well have already encountered paywalls when searching the web, this discussion can bring together disparate experiences of information access.

Learner-Focused Copyright Education

Although no single information literacy-focused course can hope to cover all of the frames in their entirety, the *Framework* offers an opportunity to incorporate a consciousness of copyright into other lessons about the information landscape. But what might that look like in practice? The fol-

lowing sections offer some suggestions about the ways in which learners may be introduced to copyright basics and the ways in which these concepts may be connected to their own experiences, practices, and needs.

Citation and Plagiarism

Librarians are often expected to teach citation and to provide education about avoiding plagiarism. Consider that learners will be very familiar with these terms and perhaps even their application in an academic context. However, they may not have any exposure to the legal and ethical concerns underlying these issues, and repeated warnings about the consequences of non-compliance may deaden their impact.¹⁷ Learners may need to begin by seeking to understand the difference between plagiarism (reusing the work of another without giving them credit) and copyright infringement (exercising one or more of the exclusive rights granted by copyright without permission from the creator).

Explaining the overlaps and disconnects between plagiarism and copyright infringement will also benefit learners, particularly when discussing topics such as the public domain (wherein copyright is not a factor but plagiarism still may be) and citation (proper citation should prevent accusations of plagiarism but is not an airtight defense against copyright infringement). Introducing learners to real-world examples of plagiarism, non-attribution, and copyright infringement may help to clarify expectations.

Digital Literacy

Many learners make use of social media platforms and other web services with terms of service which make far-reaching claims of rights to user-created content. It may not be clear to all users that agreeing to the terms of service can create a contractual relationship wherein the rights granted by copyright to creators are altered (for more about click-through and browse-wrap licenses, see chapter seventeen in this volume by Rachael Samberg and Cody Hennesy).¹⁸ A close-reading exercise of those terms of service might reveal particularly interesting links to a discussion of copyright in addition to other dimensions of information value such

as the commodification of personal data and online behaviors. Questions for learners include: What rights to your content do you give up or share by signing up for this service?¹⁹ Does the platform tell you what it plans to do with your content?

Recognizing Learners as Creators

Your learners may be creating works as artists or hobbyists. What are their rights as copyright holders? What rights can they license to others using mechanisms such as Creative Commons? How must they comply with copyright law, and how might they evaluate fair use if they seek to use the copyrighted works of others? Loftis and Wormser offer the example of art students, for whom image appropriation becomes a unique issue that needs to be addressed in the information literacy curriculum.²⁰ Even for learners without these artistic applications, a discussion of familiar topics such as content takedowns on YouTube may spark interest.

Supporting Undergraduate Research

Learners who move off-campus or who graduate will find themselves with a different corpus of information readily available to them. Engage with learners based on their experience. Ask them: Why is it that their access differs based on their location? How might lack of access impact the work of others, such as health advocates, policy researchers, and citizen scientists? How might their own access to information change over time?

Questions such as "Why does Google Scholar sometimes ask for money?" should also resonate with learners who have some experience conducting research.²¹ Although the discussion of the economics of information verges into a larger discussion of scholarly communication topics, the mechanism in copyright for exclusive rights to disseminate information objects will underpin this discussion.²² Providing some context for paywalls will help learners to understand their research process better and may help to prevent some of the frustration caused by not understanding why these barriers exist (although it may not—and likely should not—assuage the frustration resulting from systems which cause their inability to access needed information).

Interaction with undergraduate research at the library may extend to include the research products that they produce. At institutions that make undergraduate work available through their institutional repositories, it is integral to reach those learners early to ensure that they understand attribution and permissions (or the rights of third-party copyright holders) as well as their own rights.²³ This applies also to graduate learners, as discussed in the following section.

Not Just for First-Year Instruction

Of course, the *Framework* outlines knowledge practices that are useful for a greater number of learners than just first-year students. In terms of copyright, there may be a major knowledge gap for learners just beginning to produce scholarship for public display and publication. This may offer an opportunity to reframe information literacy concepts for learners who are just entering the realm of scholarly publishing. Authors' rights, information access, and the economics of information in general take on a different meaning for an individual who is creating an electronic thesis or dissertation, seeking to publish a journal article or other scholarly information object, or acting as a peer reviewer.

Upper-level learners creating scholarship and graduate students writing theses and dissertations are often unaware of their own copyright and the legal structures that may impact their reuse of others' copyrighted material. These learners may require targeted instruction related to copyright and scholarly communication topics. Ideally, this will be supported by previous information literacy instruction which incorporated a consciousness of copyright. However, unless copyright is formally integrated into the information literacy curriculum, instructors may find that these learners have little to no formal education regarding these topics. This is not to say that learners will be complete novices in terms of intellectual property; some learners may have experience as creators in other contexts, while others may have faculty advisors who have provided guidance regarding the use of copyrighted material. Graduate students will not have uniform needs and goals, but there are some common areas where a copyright specialist is uniquely prepared to engage.

Electronic Theses and Dissertations

Institutions which require graduate students to submit Electronic Theses and Dissertations (ETDs) as a graduation requirement are poised to offer copyright education to graduate students. Learners graduating with a knowledge gap in terms of reuse of copyrighted material and the rights afforded to a creator by copyright represents a missed opportunity. Moreover, requiring graduate students to sign a license granting their university (or a third party such as ProQuest) permission to reproduce, display, and distribute their ETD would seem to require education about those rights. Just as preparing an ETD models the scholarly publishing process, so too may it be used to educate authors about their own rights as well as the rights of other copyright holders.

Graduate Students as Authors and Researchers

Graduate students engage in research and publishing, so integrating this population into faculty-focused publishing workshops and resource distribution can be beneficial. Advisors may invite their graduate students to these sessions ad hoc, but often graduate students will need some of the same training as faculty with regard to topics such as their rights as authors and open access publishing.

Reaching authors at the beginning of their careers will provide an opportunity to discuss their rights and to prepare them for the questions that arise when negotiating (or, in many cases, simply signing) a contract to publish their work. This will also ensure that authors who are predisposed to make their work available will have the opportunity to learn about different roads to open access. For graduate students preparing ETDs, this will prove particularly important if they plan to include previously published articles in their manuscript.²⁴

In addition to reusing their own materials, new authors will often make use of third-party copyrighted materials such as survey instruments, which carry a dual responsibility to request permission, first for their initial use and then to reproduce in a publication. Authors should be educated regarding how to acquire permissions or licenses and how to articulate a fair use argument when appropriate. Authors may also create

their own instruments, providing an opportunity to discuss their rights as the copyright holder as well as mechanisms for clear and open licensing.

Although graduate and upper-level undergraduate learners may have mastered many of the core concepts of the *Framework*, it is important to remember the iterative nature of information literacy and to identify opportunities to work with these learners, likely outside of an institution's formal information literacy curriculum.

Conclusion

Although intellectual property may not constitute its own frame (and in many respects does not need to), copyright-related topics wind their way through most of the major areas of focus included in the ACRL *Framework*. A truly robust understanding of information objects necessitates an understanding of how those objects are created and how they change hands. Copyright forms the basis for this system of information creation and exchange. Exposing learners to the basic concepts of copyright law and the ways in which it impacts their own information use and creation serves to empower them to not only use information responsibly but to reuse information with intention and to create new works with a fuller knowledge of their own rights.

Endnotes

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