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## Copyright education and training

### Introduction

As the digital learning environment develops it is becoming increasingly important to offer copyright education and training for teachers, lecturers, librarians, learning technologists, administrative staff, students and researchers. Acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material has been referred to as ‘copyright literacy’ (Morrison and Secker, 2015). An IPO and NUS study (NUS, 2012) found that students in all disciplines, not just creative subjects, wanted to know more about copyright, and a discussion paper by the UK Government’s intellectual property adviser (Weatherley, 2014) recommended that copyright education should be embedded in the school curriculum within a range of subject areas. In some universities an understanding of copyright is being taught to students as part of digital literacy or entrepreneurship programmes, so students understand how to respect others’ intellectual property and protect their own. It can be far easier to infringe copyright in the online environment than in the classroom because digital technology facilitates the copying and sharing of learning materials, and learning activities that previously took place face to face are far more visible and open to scrutiny in a digital space. For example, in the UK higher education sector, the CLA periodically audits institutions by checking their VLE. In Chapter 4 this book discussed the relative ease with which lecturers and students can distribute many born digital files without realizing the legal implications that follow. This chapter describes how copyright literacy can be embedded into existing teaching and training programmes and

regarded as part of improving teaching quality and developing open practices for the sharing of teaching materials.

A range of external bodies provide copyright education services for staff in educational establishments. Professional bodies for librarians such as the Chartered Institute of Library and Information Professionals (CILIP) and Aslib offer copyright training courses and have done so for many years, and several independent consultants also work in this area. Other organizations offer copyright training that focuses on particular types of resources; for example, Jisc Digital Media, the BUFVC and the Open University offer copyright courses for those producing multimedia content. There are also a range of training opportunities available for those in the cultural heritage sector, for example from bodies such as the Archives and Records Association and the Collections Trust. The Association of Learned and Professional Society Publishers offers courses for those working in the publishing industry. For a full list of copyright training providers, including some recently produced copyright MOOCs, see the section 'Further resources'.

Some courses offered by external bodies may only be suitable for particular groups of staff, such as library or archives staff, and not appropriate for teaching or administrative staff. Therefore, often the most cost-effective and efficient means of delivering training to groups of staff or students is through in-house education and training programmes. This chapter outlines the set up and organization of copyright education programmes and identifies suitable resources to support staff who deliver them in higher education organizations. The case study describes how an innovative games-based approach to learning, developed by the authors of the book, can help engage staff and students in copyright education and provide a more informal approach to learning about copyright. Where there is an institutional copyright officer it is likely that they are the best person to deliver the teaching; in other institutions it may be appropriate for a number of staff to take on this role in order to deliver a comprehensive and embedded copyright education programme. The chapter goes on to examine the intended audience of the training programme and the method of training – whether face-to-face or online. Finally it looks at how to develop support materials, such as paper or online guides, and strategies for dealing with the host of queries that copyright discussions inevitably lead to.

Throughout this book we have considered a wide variety of copyright issues that arise when teaching and learning in an online environment. It is essential that those working in this field get a good overview of copyright so they understand what they can and cannot do and to mitigate risk. For this reason, being able to offer in-house copyright training should form an important component in any organization's staff development provision. However, although addressing institutional risk is important, the consideration of copyright and IPR issues needs to be reframed within organizations as part of a wider discussion about ethics and respect for others because it is central to how the institution uses the information and data that it owns, and that which belongs to others. With an increasing move towards more open models of publishing, open education and open educational practices (see Chapter 1), knowing what rights exist within works and how they can be used is essential to enhancing teaching quality.

### **The copyright educator, trainer or teacher**

Deciding who should deliver copyright education or training may be a straightforward matter in institutions where there is a designated copyright officer who has responsibility for advice and support in relation to such matters. Needless to say, apart from in very small institutions copyright education cannot remain the preserve of one person if it is to become part of the institutional culture. Therefore an important part of the copyright officer's role is to cascade their learning to others. In many smaller organizations, such as further education colleges and schools, or in public sector and charitable organizations, copyright officer roles are relatively rare. In a UK survey of the library and cultural heritage sector (Morrison and Secker, 2015), 64% of institutions were found to have a copyright officer or designated person with responsibility for copyright issues in particular. This figure was much lower outside the higher education sector and elsewhere in Europe. Consequently, many people reading this book may well be doing so because there is no copyright officer in their institution. The decision to create such a post requires some consideration, not least because of the knowledge and experience such a person requires. Nonetheless, institutions are urged to consider establishing such a post, or to ensure that one or more dedicated members of staff have responsibility for copyright issues written into their job

descriptions. Case Study 1 in Chapter 1 provides an example of how one institution, Brunel University, deals with copyright matters through a dedicated post.

Many smaller educational establishments may not have the resources to create a dedicated copyright officer role. If this is the case, it is recommended that managers support one or (ideally) more individuals to develop their understanding of copyright so they can provide training and advice, within the institution, and highlight areas of concern. This responsibility may fall on a member (or members) of staff within the library, learning resources centre, educational development unit or learning technology department. It may be someone responsible for signing and managing collective licences (such as the CLA Licence), or licences for software and electronic resources. Some institutions might consider it more appropriate that a senior member of administrative staff should take on this responsibility and others may have a legal or information compliance team that deal with matters such as data protection and freedom of information requests. Copyright and IPR issues are sometimes seen as sitting naturally with these responsibilities. Whoever has responsibility for copyright does not need a legal qualification but should have:

- ◆ a good overview of the copyright laws of their respective country as described in this book – there are also training courses and guidance from professional bodies, other books and a variety of online resources that provide an excellent grounding (see the list at the end of this book)
- ◆ familiarity with licences in the digital environment for subscription and freely available online resources
- ◆ an understanding of broader intellectual property issues around scholarly communication, such as knowledge of open-source software, open access, open education and the Creative Commons licensing model
- ◆ an understanding and an ability to communicate that they are not providing formal legal advice and are not personally responsible for the actions of others; decisions relating to copyright risk are best made in collaboration with the person or team carrying out the activity
- ◆ a network of support for referring questions that go beyond their

knowledge or understanding, which may involve some means of gaining access to legal counsel if the need arises or advice from academics in a law school. In higher education in the UK Jisc employs a legal specialist who can offer advice on copyright and IPR issues. Membership of the JISCmail list LIS-Copyseek, to which queries can be routed, enables those dealing with copyright to seek advice from colleagues in similar roles at other institutions.

Finally it is highly recommended that more than one person has a good working knowledge of copyright in order to cover staff absences, ensure a reasonable workload and provide different perspectives on an issue. There is also considerable value in building a network of people within an organization who have a broad understanding of copyright, rather than relying on one person to deal with this alone. Building up a network of contacts in other institutions can also be invaluable to provide support and guidance when new topics of concern arise, or when seeking a second opinion on a complex or contentious question.

### **Developing a copyright literacy programme**

As we have seen in earlier chapters, the widespread use of VLEs and other online learning systems in education makes it far easier than in the past for staff to inadvertently infringe copyright by sharing files with students. Many academic staff are unaware that e-mailing files to students or uploading copyright materials to the VLE is a 'restricted act'. Most institutions have invested significantly in education and training programmes that provide staff with the pedagogical and technical skills they need to design and create effective online learning. While there is no legal requirement also to offer copyright education, it is good practice to do so. For those in UK higher education, the CLA Licence requires institutions to undergo periodic audits of their scanning process. The CLA audit (CLA, 2014) looks for evidence that staff and students in licensed institutions receive guidance and training about the terms of the licence and copyright issues more generally. The audit also looks for evidence about how an institution tells its student population about restrictions on scanning, and how the institution 'pursues infringement of copyright-protected material by staff' (CLA, 2014).

Aside from any legal obligations, providing copyright education forms an important part of a well rounded staff development programme and helps ensure quality is maintained in teaching materials. Institutions that do not offer any copyright education are well advised to undertake a risk assessment to explore the possible implications of a copyright infringement claim. In the worst case scenario a rights holder, for example a large publisher, might decide to pursue a case of copyright infringement. A comprehensive education programme, alongside robust terms of use for the VLE and a notice and takedown policy (see section 'Further resources' for examples), all indicate that the institution takes copyright infringement seriously. Institutions that can demonstrate that all staff received copyright training might be better placed to defend themselves in a copyright infringement case. Those without an education programme might be seen as negligent or even complicit in fostering a culture where copyright infringement is tolerated. It is standard practice in many organizations for staff contracts or terms of employment to state explicitly that during the course of their employment staff must respect copyright and other laws, therefore ignorance is rarely a defence. At many universities respect for copyright and IPR is also part of the conditions of use of IT facilities. Ultimately copyright infringement cases can result in the organization paying a fine, but they are perhaps a greater risk to an institution's reputation. While individual members of staff are unlikely to face personal prosecution, their reputation may also suffer if they are shown to be acting without due care and attention. To avoid blame on either side, a robust copyright education programme and a clear policy on the responsibilities of all staff and students is advised. This is particularly important when preparing materials for use on the VLE, as teaching staff may also implicate other staff members such as learning support staff or administrative staff by asking them to upload infringing materials.

### ***Embedding copyright literacy in the institution***

Once the decision has been taken to provide a copyright education programme, some thought should be given to the method of delivery. Standalone copyright courses inevitably suffer from poor attendance, with many teaching staff citing lack of time and viewing copyright as a low priority for their professional development. Very few educational

institutions make copyright education mandatory and therefore some staff can easily avoid attending copyright courses or view it as a session that might tell them about all the things they cannot do. Therefore it is essential to develop a positive message about copyright literacy and to offer a range of tailored (and well publicized) courses and online support materials. Any online materials should avoid legal jargon and be written in an accessible ‘what you need to know’ style, for example including frequently asked questions about copyright issues. By providing a suite of copyright support options, organizations go some way towards protecting themselves from possible litigation. Offering training to new staff (particularly new teachers) is also important, but an embedded approach to copyright literacy is often the most successful approach, providing copyright advice in context, for example as part of the technical hands-on training sessions attended by teachers using the VLE, or giving advice and guidance about how to find copyright-free or openly licensed images in a workshop about finding and using images in teaching. This type of workshop raises the issue of copyright in the context of a positive activity that members of staff will find helpful for their teaching. In this case staff may want to illustrate their lecture slides using images, so the focus can be on providing good sources of images that can be re-used (such as those in free image banks, or images licensed using Creative Commons). See Chapter 3 for more details about sources of openly licensed image collections that can be recommended in this type of workshop.

In developing a copyright education programme it is useful to carry out a review or audit of the training courses currently on offer at your institution and whether it might be appropriate to embed some copyright advice into any existing workshops; for example, a course about creating a website, or uploading resources to the VLE, could remind staff that they should only use material where they own the copyright or else they will need to obtain permission. The review or audit is likely to involve speaking to as many different people and teams as possible about the training and advice that they currently provide to staff. The in-house staff development unit is a good place to start for supplying a list of courses currently on offer to staff. If your institution does not have a dedicated staff development team, you may find that training is offered by various departments such as the IT department or the Library, by the e-learning team or incorporated in teaching and learning support, such as teacher training programmes.



The review should attempt to identify not just formal workshops, but also informal training and advice that is given to staff, to build up a complete picture of the copyright support available. This will enable you to plan to fill any gaps in support, or to spot opportunities to embed aspects of copyright into existing courses.

### **Your audience**

When devising your programme it will be helpful to divide your potential audience into different categories in order to tailor the training to their specific needs. What a person needs to know about copyright and the level of detail of that knowledge varies significantly depending on their role. For example, the requirements of departmental administrators, researchers and teaching staff vary and differ from those of people who work in the finance department. In many cases rolling out copyright training to all staff is difficult and trainers should concentrate on specific groups where the needs are greatest. Similarly providing copyright education to all students is not feasible for those in learning support and needs to be cascaded by teaching staff or other students as appropriate. This chapter will examine training for the following groups:

- ◆ library staff
- ◆ learning support staff, educational developers and learning technologists
- ◆ reprographic unit staff or staff responsible for scanners
- ◆ departmental administrators and personal assistants
- ◆ teaching staff
- ◆ students
- ◆ researchers.

### ***Library staff***

Copyright concerns often arise among those working in a library and a basic knowledge of copyright features in most library professional qualifications. Therefore library staff are often more enthusiastic than other categories of staff when it comes to attending copyright training and developing best practice. Queries are often related to users wanting to copy

materials in the library collection by photocopying or scanning. Copyright issues can also arise in the course of general queries sent to librarians or library staff either via e-mail or face to face at service points so it is important to ensure that all staff are kept up to date with the latest developments in copyright. For example, following the 2014 amendments to the CDPA in the UK (see Chapter 1), several new exceptions to copyright were introduced and some exceptions were amended. As the law and licences change it is good practice to offer copyright refresher training. In addition some of the provisions in UK law specifically allow libraries and librarians to undertake certain unique types of copying, for example for interlibrary loan purposes, for preservation or for disabled users, and some of the exceptions relevant to librarians were updated in the UK in 2014.

Library staff working in certain areas of the library might require more focused copyright training, for example anyone preparing scanned or photocopied materials under the CLA Licence should have a good understanding of the terms of the licence. They need to consult the CLA website regularly and use the CLA Check Permissions tool (<http://he.clac.co.uk/check-permissions>) because CLA Licences do not cover all publications. This tool helps to determine whether a work is included in the CLA Licence and if it can be photocopied, scanned and/or copied digitally. Staff dealing with journals should be familiar with the different types of journal licences and what standard clauses say about making multiple copies of articles available. Interlibrary loan staff need a good working knowledge of copyright. Librarians working with special collections or archival materials might deal with material where the copyright status is unclear, such as orphan works, and need guidance on taking the best approach. Staff involved in digitization programmes for preservation or to improve access to a collection need a practical knowledge of copyright so they can establish whether the material is in copyright or not and if permission is required and can be obtained. Finally, those involved in supporting open access initiatives such as publishing via the institutional repository or an open access publishing platform require a good working knowledge of copyright as they are making copyright materials available on open access. They need to know when copyright permission might be required and must be able to identify and understand specific publisher policies on open access, such as embargoes and restrictions on full-text submission.

It might be helpful to offer specific copyright sessions for library staff, so that the training can focus on the information key to their role. Amongst library staff there are many different roles and this will affect the level of understanding they need about copyright; as previously mentioned, those staff dealing with organizations such as the Copyright Licensing Agency (CLA) may need separate, more detailed training on this licence. However, there is also some merit in library staff attending copyright training alongside other staff, for example teachers or researchers, as they can learn from each other and share experiences. Sometimes library staff might attend specialist externally run copyright training, but for staff in generalist library roles who need a working knowledge of copyright, one approach might be for a copyright specialist to attend external training and then to pass on their learning to other members of staff.

### ***Learning support staff***

The term 'learning support staff' covers a growing number of professionals now employed in educational establishments to work alongside teachers and lecturers. Many organizations employ staff with specific responsibility for technology-enhanced learning, online learning and the VLE who might be called learning technologists, educational technologists, instructional designers or e-learning specialists. Educational developers are another important group who advise staff about pedagogy and good teaching practice. Learning developers provide study skills advice to students and might support specific groups of students such as those with disabilities. Most universities and increasing numbers of colleges employ staff in this area, although in schools this is less common. All of these groups of staff should ideally receive an overview of copyright issues as part of their induction process, so they are aware of the key subjects of concern that can arise, particularly around uploading material to the VLE. However, probably of greater importance is for these staff to know where to refer copyright queries if anyone raises a query, or if they have any uncertainty themselves.

Learning technologists and other staff who support the use of educational technologies frequently help staff prepare online learning materials and are ideally placed to advise on copyright matters and provide technical and pedagogical advice. As with many groups of staff

the need for copyright training might be met with some reluctance as these staff may perceive copyright laws as being overly restrictive, leading them to have to tell teachers they cannot do certain things. Many learning support staff like to be seen as ‘enablers’ who find ways to make things happen. There is a danger that copyright may be seen as preventing teaching staff from undertaking their primary role. One way to counter this belief is to link copyright education with the promotion of open practices (see Chapter 1, page 41) and the improvement of teaching quality. It is also important that learning support staff are aware of copyright, to avoid being personally implicated in any infringing activity a teacher might undertake. If learning technologists are familiar with the basics of copyright law they can advise staff on the best technical and legal ways to put materials online. They may also be able quickly to resolve common problems that arise through teaching staff being unfamiliar with copyright issues. For example they can remove journal article files from a course and show lecturers how to link to these resources.

Increasingly HEI managers are expecting academic staff to undertake formal postgraduate teaching qualifications. While mandatory for a long time in the schools sector, teacher training is a relatively new area in higher education. Currently the curriculum of many teaching qualifications in the UK, for example those that are accredited by the Higher Education Academy, only looks very briefly at issues such as legal compliance and copyright, and there is a potential opportunity to embed copyright education in these types of programmes.

### ***Administrators and professional services staff***

In the education sector it is extremely important to give copyright training to administrators, department or faculty managers and other professional services staff. While it is now less common in universities for lecturing staff to have their own personal assistants, much of the administration of teaching is still undertaken by administrative support staff who might work for a group of lecturers or a department. In the past, administrative staff prepared photocopies and paper course packs for students; nowadays they are increasingly uploading content to the VLE on behalf of lecturers. If these staff have an understanding and awareness of copyright issues they can help prevent copyright infringement within a department. They can

also spread good practice across their department and influence the behaviour of teachers. Conversely, if these staff do not understand or recognize the importance of copyright, infringement might occur and teaching staff might continue to infringe copyright, unaware that they are doing something wrong. It is important that these staff understand the basics of copyright law, and the main terms and conditions of licensing schemes such as the CLA Licence. A good practice guide for administrators was recently published by the Association of University Administrators (Morrison and Secker, 2016).

### ***Teaching staff***

Teaching staff are likely to be a challenging audience, as traditionally they may perceive copyright as a restriction that gets in the way of the education process. The restriction is not just perceived from an ideological perspective – the process of getting copyright permission is often seen as time consuming and overly complicated. Ideally copyright training should be offered to these staff as part of their induction when first joining the institution, framed in a positive way by associating an awareness of copyright with quality teaching and innovative, open practice. Many new teaching staff are now required to complete a teaching qualification, for example, a postgraduate certificate in teaching, so if copyright training is delivered in induction briefings, alongside health and safety instruction, for example, it can reach a wide audience. However, there is a danger that when staff are obliged to attend certain training sessions they view a subject fairly negatively. Induction sessions also tend to be pitched at basic level for a general audience. Copyright training for teaching staff should ideally be delivered at an appropriate and relevant time, for example when they are preparing or updating course materials. Teaching staff may also need to be kept up to date with any new developments in copyright law, so while copyright could be briefly mentioned in the induction process, it should feature in a range of workshops and programmes offered to these staff. Copyright education for learning support staff and administrative staff within departments helps reinforce good practice among teachers. Ideally if teachers feel supported by those with copyright expertise they will approach them if they have questions or require assistance.

## ***Students***

Students are a challenging audience largely because of their sheer numbers, and therefore embedding copyright literacy into relevant discipline teaching may be the best approach. For example, in subjects such as art and design students need to understand how to use other people's ideas without infringing copyright. In subjects such as engineering, patents are likely to be a more important topic to cover and students involved in an entrepreneurial scheme or creating start-ups need an understanding of all types of intellectual property to help them protect their ideas.

It is now increasingly common to offer doctoral level students copyright training, often because many institutions now publish theses in an open access repository. PhD students are therefore required to address the use of third-party content in their theses before submission and will benefit from a practical understanding of the issues involved.

## ***Researchers***

Researchers are another important audience that benefit from copyright education, and are becoming an increasingly receptive group as they increasingly recognize that they need to understand a host of IPR matters relating to scholarly communication and the dissemination of their research findings and data. The increased focus on open access in higher education, with many funding bodies now mandating that publicly funded research is available openly under permissive licence terms, has raised awareness of copyright issues and the policies of specific journals and publishers. For example in the UK, following the Finch Report (Finch, 2012), which recommended that authors rather than readers should pay for publication, Research Councils UK issued an open access policy for any research funded from April 2013 (Research Councils UK, 2014). Researchers are becoming increasingly aware of the implications of the copyright transfer agreements they are asked to sign by publishers, and many university libraries now have specialist research support teams to advise staff on open access and scholarly communications. Some universities' copyright training and advice therefore fits neatly into the training and services that are offered in this area. It is also increasingly common to include PhD students in research support activities as they need to consider where to publish, the copyright policies of specific

publishers, and how to comply with institutional and research councils' requirements on open access. This training can involve the use of third-party content as described above.

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## **Case Study 7 Copyright the card game: a games-based approach to copyright education**

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Chris Morrison and Jane Secker

### ***Background***

This case study describes a games-based approach to copyright education, how the game and associated resources were developed, and the evaluation data collected, which demonstrates that this new approach engages learners more effectively than traditional methods.

In June and October 2014 there were several significant changes to UK copyright law, including some new exceptions relevant to educational establishments. SCOUNL (the Society of College, National and University Librarians) recognized the need for the sector to understand how these changes might apply in practice and asked the copyright consultant Naomi Korn to devise some training. Naomi approached Chris Morrison and Jane Secker to work with her to create a new half-day training course and they agreed to collaborate to deliver these sessions.

### ***Development work***

Planning began by establishing the broad aims and learning outcomes of the session and discussing previous approaches the three trainers had used before. Despite feeling that their training was effective, the group was looking for an opportunity to try something different, in particular the use of visual cues to anchor delegates' understanding of what often seem abstract legal concepts. All agreed that the use of representative icons was an important aspect of the popularity of the Creative Commons licences. The group felt that practical scenarios needed to be integral to a training session, but in these half-day sessions timing would be critical to explain the relationship between licences and updated fair dealing exceptions. Another important consideration was the delegates' varying knowledge and experience, which the training ideally needed to take account of.

There was some consideration of the value of quizzes, practical exercises and a copyright snakes and ladders game, which had been developed by Annette Moore from the University of Sussex. Meanwhile Chris suggested creating a card game to explain how copyright works. It was agreed that this approach was worth exploring and the idea developed of creating four 'suits', one each for types of copyright works, usages, licences and exceptions. At this stage it was envisaged that the cards would be developed and used as part of a discrete exercise at the end of the session.

### ***The card game evolves***

As time went by Chris felt that to get the most out of the card concept it should be used as an integral part of the session. He was inspired by how his son had learned his numbers and letters using a puzzle peg board and foam bath toys. By holding something in his hand his son had mentally grasped the concepts, a phenomenon known as embodied cognition where intellectual thought is influenced by the relationship between body and mind (Wilson, 1999). The group members were also mindful of the inevitable glazing over or drooping eyelids of some delegates who attend copyright training so interaction was important. If people were kept on their toes by interacting with each other and carrying out exercises throughout the session it was hoped that they would stay engaged.

Embracing the card game concept and using it throughout the session would allow the trainers to intersperse the introduction of factual information seamlessly with the application of new learning. Chris developed a running order of the session, explaining the concepts of the game, identifying what should be on the cards and what should happen in each round. Going with this new format was a risk. Never having done it before no one could say whether this would work or whether it would be too costly to develop and too complicated to deliver in a half-day session. Despite these concerns, the group agreed to carry on with the idea working on various aspects of the training course. It was important to link the cards to the information in the slides and decide if delegates would need additional information provided on handouts or elsewhere. On referring back to the original concept behind the card game it was decided that the cards had to be the ultimate containers for the relevant knowledge otherwise the whole idea would probably not work.



### ***Preparing for the training***

As the day of the training got closer Chris worked on the visual cues that would link the cards with the information and instructions on the accompanying PowerPoint slides. The website [openclipart.org](http://openclipart.org) contains openly licensed images that can be incorporated into publications and presentations without additional permissions, and this provided many of the images used on the cards and slides. Eventually a final version of the cards (printed double-sided on thick, A6 size paper) was ready, with the key copyright information that delegates would need, integrated with a set of slides outlining the framework of the session. The key to the success of the game was the extent to which delegates would intuitively understand what they were being asked to do. It was important that the way in which the session was structured helped people to reflect and learn, and the use of the icons was fundamental to this. The selection of these fell into three categories:

- ◆ generic icons taken from [openclipart.org](http://openclipart.org), which represented an aspect of copyright (e.g. a microphone denoting a sound recording)
- ◆ existing copyright-related icons (e.g. Creative Commons icons or the associated public domain mark)
- ◆ newly created or amended icons usually denoting the more abstract or niche elements of copyright (e.g. orphan works or collective rights management bodies' names).

### ***The rules of the game***

The rules of the game are relatively simple. Players are put in teams and the game consists of four rounds, which should be played in a specific order: works, usages, licences and exceptions. In each round the teams are given scenarios to consider and they must lay their cards as appropriate. The final round of the game uses all four sets of cards, plus some additional risk cards. Full instructions are included in the downloadable resource available on Jorum (<http://find.jorum.ac.uk/resources/19369>) and the UK Copyright Literacy website (<https://ukcopyrightliteracy.wordpress.com/about-2/copyright-the-card-game>).

### ***The training sessions***

From the first session run in late January 2015, it has been clear that the card

game instinctively makes sense. The continual back and forward between the trainer and the delegates encourages people to consider the different aspects of copyright, building up the complexity as the game progresses and constantly testing people's critical faculties. This creates a buzz in the room in a way not typically experienced in copyright training. This approach gives delegates time and space to test their knowledge and assumptions, and to voice their concerns about whether they are getting things right.

Rather than focusing on 'right' or 'wrong' answers, the card game format allows an appreciation of the subjective nature of how to apply the law. This builds up gradually throughout the session so that the relatively clear cut aspects of copyright are introduced first, with a subjective 'risk' judgement introduced only at the end once the delegates are confident with the basics.

The teamwork aspect makes good use of the differing levels of knowledge within each group. It was initially proposed that people would be split into groups based on their perception of copyright knowledge but this idea has proved unnecessary. Therefore typically in sessions the group allocation is random, based on where people sit when they come into the room.

### ***Feedback to date***

The feedback received from each of the four SCONUL sessions (run in Cardiff, Manchester, London and Leicester) was unanimously positive with people rating the training either 'excellent' or 'good'. The only criticism received was that delegates would have liked more time to go through more scenarios. This was a limitation of the SCONUL sessions, which incorporated an update from the CLA in the afternoon, but meant that the card game needed to fit into a short morning session. Chris and Jane now use the card game at their respective institutions, the University of Kent and LSE, in workshops ranging from 1.5 to 3.5 hours. The sessions with a longer duration provide more time to consider multiple scenarios and allow deeper discussion within the group, whereas the shorter sessions have been created in order to reach a wider number of people with limited time. However, at 1.5 hours the game is rather rushed with little time to consider the scenarios properly, so ideally 2 hours is needed as a minimum. The game has also been run as part of a workshop on information literacy and games-based learning, attracting over 40 librarians, and various other events. Because it is available under a Creative Commons licence it is also being used throughout the UK higher education sector by other copyright

support practitioners. Feedback collected through online forms has remained consistently positive and natural feedback in the room suggests that delegates enjoy the session and the depth of discussions about copyright that it provokes. In recent training sessions an element of competition has been introduced with points awarded to each team for the rounds, and an overall winning team announced at the end.

### ***Find out more***

The resources are available for free download from the UK Copyright Literacy website (<https://ukcopyrightliteracy.wordpress.com>) and have been downloaded from Jorum over 2300 times between March 2015 and January 2016. Jane and Chris have been working to adapt the game, writing new scenarios. They are currently making modifications so it can be played with research students, and also to explore the copyright challenges of social media. The card game is proof that copyright training can be fun and suggests that a games-based approach to learning about copyright, where people play as part of a team, has benefits both for learners and teachers.

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### **Face-to-face training sessions**

Offering face-to-face training sessions may seem the obvious approach to providing copyright education and it is possible to deliver training to people in large groups via a lecture-style presentation. However, in general, more effective learning should include an opportunity for discussion and interaction between the teacher and the learners. People attending face-to-face copyright sessions often bring along specific queries and therefore teaching smaller groups (of around ten to 15) is advisable to allow time for questions. Copyright education should be approached like any teaching: first consider the learning outcomes of the session, then

design appropriate activities and any assessment, which all need to be aligned. Practical issues are important, such as finding the right time and duration for the session and an appropriate learning space to suit the type of activities. The intended learning outcomes should guide the approach to the session. For example, very few teaching staff need an in-depth knowledge of copyright legislation but they might need to understand what copyright exceptions allow them to do for their own private study or research. They probably also need to know what they can photocopy or scan under their institutional CLA Licence, and when they might need to seek copyright permission to copy material on the internet or upload files to the VLE. Ideally trainers should focus on several key points, rather than overwhelm trainees with details, which can be provided in a printed guide or on a website. It may be enough for participants to leave the session knowing that there is someone who can advise them in the future and they should think twice before they copy or scan material.

### **Topics to include**

This varies from one organization to another. These are some of the topics that are often included in copyright education:

- ◆ factual contextual information about copyright laws including which works qualify for copyright protection and for how long, why the laws are in place, what protection they offer to rights holders and how these work in practice
- ◆ information about licences the institution holds that allow copying by way of legal contract: the CLA, the ERA, the NLA, etc.
- ◆ copyright exceptions and important principles such as fair dealing and fair use
- ◆ copyright and the internet: terms and conditions of online services
- ◆ the practicalities of getting copyright permission.

Depending on the audience, it might also be worth including subjects such as open access, digitization and how to handle 'orphan works'. Practical scenarios are often useful to help people understand how copyright works and to test their understanding. For example, you could ask your group to consider the following situations:

- ◆ A teacher wants to make 50 copies of a specific book and to put it on a website; what are the issues?
- ◆ A lecturer is showing and recording a video in class; what licences or copyright exceptions might apply?

Games are another helpful way to run copyright training, as illustrated in Case Study 7 in this chapter. The element of interactivity is particularly important to help engage learners, but people are more inclined to attend training if they think it is going to be fun and informative.

### **Practical considerations**

As with any teaching, scheduling sessions requires careful consideration of the time of year they are offered and the time of day they are delivered. It might be worth experimenting with advertising a course at different times of year to see if this affects attendance. For example, in an academic institution, offering training right at the start of the academic year is rarely a good idea as people are often busy dealing with new students and have heavy teaching commitments. Conversely, offering courses to academic staff in the summer is unlikely to be successful in a university, as lecturers and researchers are usually away from their institution. Trial and error is often the only way to find the right time at your organization. For example, lunchtime sessions (where lunch is provided) can be effective. In UK universities late spring (March–May) seems to be a popular time of year for staff development activities after much of the teaching has finished but before the exam period. Other times of year might be more appropriate in other institutions, but in general it is best to avoid peak times. In schools it might be appropriate to include an element of copyright training as part of a staff training day.

Marketing and publicity is vital in order to ensure good attendance at courses. It is also important to try to devise an appealing title for the session – while it may seem disingenuous, avoiding calling it ‘copyright training’ helps to get a good turn out! It is worth spending some time brainstorming names for courses and running them past a few volunteers to get feedback about the titles that sound appealing. In addition, spelling out some clear objectives of what people will learn in a session and why they need to attend are key to success. Publicity, whether in electronic (via e-mail or on

the web) or paper form (leaflets or posters), needs to be simple, clear and eye-catching. It often pays to employ design professionals in this area.

Other more practical issues to consider include the location for the training session and available facilities. You need to find a room in your institution that is conveniently located but also has a projector (if you need one) and is a flexible learning space so you can move the furniture around should group discussions or activities require this.

It is important to develop a set of resources for use during the session, for example handouts, resources or example materials. The copyright card game described in Case Study 7 requires a number of materials to be prepared in advance: the sets of cards, the PowerPoint slides and objects used in the first round where participants have to identify the type of copyright works (see Case Study 7 for details of where to download the resources for free). See the section 'Booklets, guides and leaflets' below for some information on producing booklets and leaflets to supplement a face-to-face training session; it is useful to distribute these at the end of a workshop to provide more detail or reminders of the key areas covered.

### **Using the web**

The web is an important source of material about making copyright information available to staff. Not only can staff access the information as and when they require it, having copyright information on your website demonstrates to both your internal audience and to external bodies or organizations that your institution takes copyright seriously. The website can be a useful point of reference for copyright queries you receive via e-mail and over time you may develop frequently asked questions to which you can point staff or students when they ask similar queries. Many universities now provide copyright advice for staff and students on their websites, usually with a disclaimer stating that it is not legal advice. Those planning to devise copyright web pages should consult the list of guidance from universities produced by the University of Loughborough (2015), which includes links to the copyright advice pages produced by many UK universities. The intended audience for university copyright pages is usually the university's own staff members, although increasingly universities provide advice for students as well. Many of the pages are created by librarians or dedicated copyright officers, and some of the

copyright guides are licensed under Creative Commons so can be re-used with attribution. The advice given by different HEIs is often very similar: many provide a brief overview of UK copyright law, a guide to what can and cannot be copied or scanned, information about using material from the internet, specific guidance on the use of the VLE and links to further resources. A number of the sites now include information for specific groups of staff or students. It may be that all that is required of organizations that currently provide no copyright advice is a simple copyright web page, which can be added to over time as queries arise. Consider keeping usage statistics of your website to monitor the numbers of people who view this information.

If you already have copyright web pages or do not feel happy with this content being available on the internet to those outside your organization you might want to consider using the VLE to develop an online course about copyright. The tools available in the VLE allow you to monitor who has completed the course. You can also use assessment or communication tools to make the course more interactive. Figure 6.1 shows a screenshot from the online course 'Copyright, the internet and teaching online', which is available to all staff at the LSE. This course complements the face-to-face training session offered to staff throughout the year. In addition to

The screenshot shows a Moodle course page for 'Copyright, the internet and teaching online' at LSE. The browser address bar shows the URL: https://moodle.lse.ac.uk/course/view.php?id=2639. The page is logged in as Jane Secker: Student. The navigation menu on the left includes 'ADMINISTRATION' (Course administration, Enrol me in this course, Grades, Question bank, Switch role to..., Return to my normal role, My profile settings, Site administration) and 'SEARCH COURSES'. The main content area is titled 'Course overview' and includes a description of the course, a section for 'Learning Objectives' with a list of skills, and a section for 'Activities'.

**Course overview**

This course provides access to resources for the associated face-to-face workshop but can also be used for independent study. It covers the following topics: an overview of UK copyright law and licensing schemes in higher education. It also includes tips for using digital resources legally, including how to find copyright free resources.

**Learning Objectives**

By the end of the course you should be able to:

- Explain the concept of copyright law in the UK.
- Distinguish between copying for private study, copying for classroom use and distribution in the virtual learning environment / via a network.
- Explain the types of electronic resources that qualify for copyright protection.
- Demonstrate good practice when providing access to electronic resources.
- Explain how licences are used in the digital environment.
- Define 'Creative Commons' and identify resources licensed Under 'Creative Commons'.

**Activities**

The content of this course has been divided into three sections. Work through each of these in turn and complete the activities associated with each section. You can use the navigation on the right of the screen to navigate through the content at your own pace.

*At the end of each section there is a short quiz to test your understanding.*

**Figure 6.1** LSE learning technology and innovation: copyright, the internet and teaching online: an online course for staff

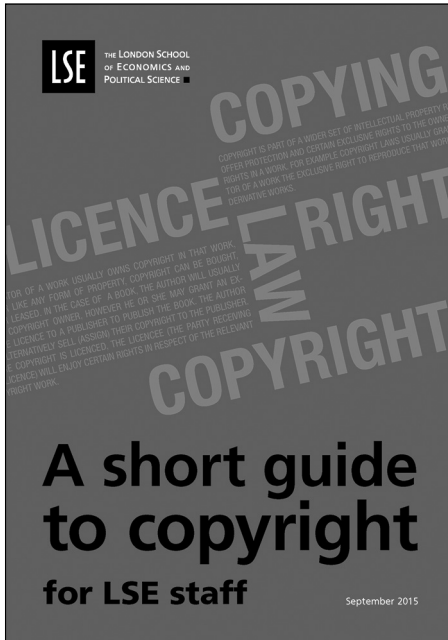
including resources from the class, such as the presentation and handouts, content is available to work through online, split into bite-sized chunks. The materials have been divided into three sections, each of which is followed by a short quiz to check the participants' understanding.

The course includes links to useful external resources, such as the CLA's website and the UK IPO website. It is available on demand; the number of staff who enrol on the course is relatively low, and attendance at face-to-face training is more popular at LSE. When preparing any online information, be aware that many staff and students like to talk to someone in person when faced with a copyright concern, because they perceive the subject to be complex. This anxiety about copyright was highlighted in the recent UK Copyright Literacy Survey (Morrison and Secker, 2015, 91). Therefore, in practice online copyright guidance is not a substitute for timely advice and guidance from a named individual, although MOOCs on copyright may involve discussion forums and mentors, which go some way to providing some support from others involved in the course.

### **Booklets, guides and leaflets**

In the digital age it might be assumed that traditional help in the form of booklets and leaflets is redundant. However, the authors' experience suggests that teaching and administrative staff respond favourably to a hard copy guide they can hold in their hand and they seem to be more likely to refer to this, rather than to remember to read a web page. The provision of booklets and leaflets gives a useful outward signal to your internal audience and external bodies that you are taking copyright issues seriously. You do not necessarily need to have a large budget to produce such materials. They can be given to staff during training sessions and included in induction packs for new staff. A well written and concise guide has the advantage of tangible immediacy over online materials, despite being less easy to keep up to date. There are two staff copyright guides produced at LSE, both in the form of responding to frequently asked questions. The short guide to copyright for LSE staff (Figure 6.2 on the next page) is complemented by a guide to copyright and e-learning. The guides can be consulted online (LSE, 2015a; LSE, 2015b); those wishing to see the printed booklets can contact the authors for more details. A printed copyright guide for PhD students is also currently under production.





**Figure 6.2** *A short guide to copyright for LSE staff* (<http://lti.lse.ac.uk/copyright/LSEGuideToCopyright2015.pdf>)

One final issue with producing written guides (whether in printed form or on the web) is to ensure that they are easy to read and any direct advice they contain is accurate. You may wish to include a disclaimer so staff are aware that the guide does not give legal advice, and give the name of the person whom readers should contact if they require further guidance. Some institutions employ an external consultant or a lawyer to oversee or proofread their guides. Printed guides should be kept up to date and synchronized with any web-based publications that may exist to make certain there are no discrepancies in the content.

### **Dealing with queries**

Copyright officers inevitably receive a number of queries from staff and students in their organization, often from those who have recently attended a workshop or training session, or from people who have read a guide or booklet but require further advice. It is important to consider how your organization might manage these queries and to decide:

- ◆ who is the best person to answer the query
- ◆ what to do if a query goes beyond their understanding
- ◆ whether queries should be managed in any way in order to keep track of their type and frequency, for example tracking or logging them in a customer support system.

It is worthwhile first to decide who is responsible for answering specific copyright queries. Clearly if your organization is fortunate enough to have

a dedicated copyright officer, this might be one person. However, in many organizations several people might share the responsibility for copyright, and even dedicated copyright advisers may want to get a second opinion when faced with a new or complex query.

The key point when offering copyright advice is to be clear about the limits of your knowledge. If you are unsure of the answer, it is better to take further advice from a colleague, or to undertake further research into the issue using resources such as those listed at the end of this book. Reference books such as *Copyright for Archivists and Records Managers* (Padfield, 2015) and *Copyright* (Cornish, 2015) are helpful for those in the UK; Cornish's book is set out in the form of frequently asked questions. Many aspects of copyright include grey areas and are open to interpretation. For example in the UK some terms in the CDPA, such as 'fair dealing' and 'substantial', are not precisely defined and subject to interpretation and case law. In some instances answering a copyright query may involve making a judgement based on a risk assessment. There may be instances where providing someone with a concrete answer is difficult; while copyright officers may want to be helpful, they may also need to be cautious in their advice. Anyone who provides copyright advice, but who is not legally qualified, should frame his or her advice with suitable disclaimers. It is important to stress to staff looking for advice that ultimately it is down to their judgement whether they go ahead with the activity in question. In practice, the organization rather than individuals are likely to be pursued in court in the case of an allegation of copyright infringement. Therefore some copyright decisions may need to be referred upwards and should ideally involve a discussion at senior management level about the organization's appetite for risk.

### **Sources of further advice and support**

There is a growing way of building up your knowledge about copyright issues, with several excellent websites now available. For example in the UK, Copyright User (<http://copyrightuser.org>), which launched in 2014, is an independent online resource which aims to make copyright law accessible to creators, media professionals, entrepreneurs, students and members of the public. The IPO website offers guidance and there are several copyright-related MOOCs available in the USA and Europe.

Professional bodies offering copyright training courses and sources of further advice are listed in the section 'Further resources'.

Arguably one of the most important things that copyright officers can do is to develop a support network by contacting others in similar roles in other organizations. This network can provide invaluable advice and support if a copyright officer is unsure how to answer queries from members of staff at their organization. For staff new to this role, networking can also be a useful way of developing their knowledge of copyright issues. In the UK e-mail lists maintained by JISCmail can be good sources of advice and many copyright officers in universities are members of LIS-Copyseek ([www.jiscmail.ac.uk/lists/lis-copyseek.html](http://www.jiscmail.ac.uk/lists/lis-copyseek.html)). This is a closed mailing list for those interested in copyright matters in the higher education community. It does not deal specifically with e-learning, but covers all types of copyright concerns; increasingly queries about online learning and technology feature in the postings. For those who work in the museums or cultural heritage sector there is a JISCmail list for the Museums Copyright Group (<https://www.jiscmail.ac.uk/cgi-bin/webadmin?A0=mcg>). SCONUL has a copyright sub-group that provides periodic guidance to the higher education sector and runs training for academic libraries on copyright matters. Advice is also available from Jisc Customer Service team, which has copyright guidance online and maintains a helpdesk for queries.

In the USA there is a mailing list for librarians involved in the scanning of copyright materials for teaching purposes (known as electronic reserves). This is managed by Princeton University and is a useful source of advice for those running electronic reserves services. You will find it listed in the section 'Further resources' along with some other country specific sources of advice.

Personal contacts are invaluable for those providing copyright advice and these are often obtained through attending copyright-related events, training courses or workshops where you are likely to meet individuals in other organizations with responsibility for copyright. It can be hugely beneficial to share the copyright queries that you receive with others and to compare your own advice with that others give.

## **Conclusion**

This chapter examined the design and delivery of copyright training within an organization. It considered the copyright educator and their needs, the audience for training sessions and the format, and publicity materials. The chapter included a case study describing a games-based approach to copyright education and sources of further help and advice. While no approach is fail safe, establishing a professional and timely copyright training programme that is well supported with online resources, leaflets and other documentation should go a long way to ensuring that staff within an organization are informed about copyright and follow good practice. It is also important to be realistic about your role, whether you are formally a copyright officer, or if it is just one of your responsibilities. Some staff might remain resistant to attending training sessions, or following your advice. Ultimately the decision to abide by copyright laws is the responsibility of each individual and an organization with a mature attitude towards copyright literacy will accept that 100% compliance is not possible. Provided you take reasonable steps to offer copyright education and advice at the point of need, and make it clear to those to whom you give advice that it is for them to take appropriate action, this should offer protection for your organization. Ideally your role should be to help embed a culture of copyright literacy where staff and students understand the importance of behaving ethically, are given accurate information in order to make the best decisions they can, and feel that they are being given adequate support in doing so.

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