

## **One hat or many? A comparison of two models for the Copyright Officer position in university libraries**

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### **Abstract**

Statute law provides university libraries with a framework for copyright requirements, duties and privileges. In Australia, there are few guidelines or standards for university libraries about providing those copyright services that are not mandated by statute, such as copyright advice and compliance. There is little formally-shared knowledge about the non-statutory services provided by university library Copyright Officers. More information about this would benefit libraries reviewing or establishing these positions. This research uses survey and semi-structured face-to-face interviews with designated Copyright Officers in four Western Australian universities to document four aspects of their work. These four factors are interaction and support within the library and the institution; involvement in institutional copyright advice, involvement in institutional copyright compliance; and satisfaction with authority and resourcing. The survey and interviews revealed two different models for structuring the library Copyright Officer position; one model involving a part-time officer with responsibility only for copyright, and the other model involving a full-time officer who has only 5% of their duties involved in copyright with the remainder of the copyright duties being managed by a member of the university legal / governance office. Similarities were found between the activities of both models, such as the strategies involved in ensuring copyright compliance, and education and training sessions. There was agreement from all respondents that copyright compliance within their institution could be improved by an increase in the resources available to each position.

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## 1 Introduction

University libraries provide copyright advice, and have an important role in copyright compliance, for their parent institutions. These tasks can vary from library-specific matters, such as copyright compliance in document delivery, to university-wide concerns such as advising academic staff about licensing contracts with publishers or auditing the Virtual Learning Environment (VLE) for copyright violations by academic staff and students. Library staff are seen by university faculty and students as copyright experts (Moynihan, Geoghegan and Green, 2005) despite the fact that for many this role is often secondary to their other duties (Lean and Young, 2002).

The focus of this research is on the duties, methods and opinions of university library Copyright Officers, through comparative analysis of this role in the four publicly-funded university libraries in Western Australia. The findings of this research provide a portrait of the activities, support and resourcing for Copyright Officers in a small sample of university libraries, contextualised within an international perspective in the literature review. This will be useful to staff in academic libraries who are reviewing or establishing Copyright Officer positions.

This article outlines a subset of findings from research that was undertaken as part of a larger Masters research project with the aims of:

- A. comparing library involvement in copyright compliance and advice in four Western Australian Universities;
- B. exploring reasons for differing approaches between the libraries;
- C. determining suggested improvements to library provision of advice and compliance regarding copyright, recommended by staff filling the library “Copyright Officer” or equivalent position.

A single aspect of the findings is the focus of this article. Through survey and interview it emerged that there were two distinct staffing models, each one being applied in two of the libraries examined. This paper extends existing disciplinary literature by examining different resourcing and activities for these two distinct staffing models for university library Copyright Officers and identifies issues for further enquiry. As these two models were not anticipated in the original research design, questions were not asked about the specific models in surveys or interviews. The contrast between these models has been drawn by the researchers on analysis of survey and interviews.

The term “Copyright Officer” has been used throughout this study to refer to the library officer with the most responsibility for copyright compliance and advice – regardless of the respondent’s actual position title – to ensure anonymity within the small population sample. Similarly the gendered pronoun “she” is used to refer to all officers to avoid identifying participants by gender.

The copyright framework for libraries in Australia is similar to that in many countries. Libraries are named specifically in the relevant legislation (chiefly the *Copyright Act 1968* (Commonwealth of Australia, 1968) as having certain rights, obligations and privileges that are not afforded to individuals or to other institutions. As in other jurisdictions, these provisions can be a little divorced

from the actual real-life environment in which libraries and their users create and consume intellectual content. For example, Australian libraries have the ability under s51A to make a preservation copy of a work, but only once the work has been “damaged, deteriorated, lost or stolen”, and not before. Other key provisions in Australian legislation refer to “document supply for research and study” (ss49 and 50) plus amendments in 2006 that added rather unclear and generally untested “flexible dealing” provisions (s200AB). These statutory obligations that specifically name the library will not be further considered here, instead the focus will be on compliance and advice efforts aimed at fulfilling other institutional copyright obligations.

In this work, the term “compliance” is used to indicate actions designed to ensure that institutional copyright obligations are being carried out. “Advice” covers efforts involving education, publication and one-to-one communication about institutional copyright obligations.

## **2 Literature review**

Much of the reported involvement of library officers and institutional copyright obligations veers toward providing advice in the form of training faculty, staff and administrators in copyright matters (Kozumplik and Kreutziger, 2010) or writing new procedures (Findlay, 1994). Ensuring compliance with copyright provisions falls within a range of tasks that may be as straightforward as ensuring relevant copyright notices are displayed prominently near copying machines (Speight and Darroch, 2012; Australian Copyright Council, 2014), through to conducting intensive and targeted training for students, faculty and staff (Secker and Bell, 2010).

Several articles focus on one specific aspect of the provision of copyright advice; the fear librarians have of being held accountable for patrons acting on incorrect advice. Oppenheim and Woodward (2004) found fear among UK librarians that the provision of copyright advice ultimately led to the librarian being accused of authorising an infringement. Hickey (2011, 10), argued that due to the complex and legal ramifications of copyright laws, librarians are hesitant to answer copyright questions in case they are seen as “practicing law without a license”.

A number of authors have suggested methods librarians can use to mitigate the real or feared risks involved in libraries providing even basic copyright advice. Oppenheim and Woodward (2004) found that for about half of the library staff surveyed, the fear regarding authorising infringement was somewhat allayed by the fact that they could turn to external sources of legal advice. Graveline (2011) advocates the use of disclaimers to avoid any suggestion that any advice given is in the form of legal advice.

Keeping informed about copyright matters and networking with those in similar positions is one way that Copyright Officers can be more confident about the accuracy of the information they provide. Cooke *et al.* (2011) and Oppenheim and Woodward (2004) make reference to the listserv LIS-Copyseek as a source of information on academic copyright matters for UK practitioners. Similar listservs are available to Australian copyright librarians: for example Copy-Lib is a discussion list “dealing with copyright law and licensing issues facing Australian

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libraries and information services” (National Library of Australia, n.d.) There are also numerous Twitter feeds by organisations involved in copyright matters in Australia, for example @ADGCopyright, @CopyrightAgency, @CopyrightLaw, @CREATe, @AusCopyright and @Aus\_Digital (Twitter, 2015).

Although many organisations providing advice and information via online listservs and Twitter accounts are not library-based, in universities copyright compliance and advice is often provided by a Copyright Officer based in the library. In a study involving university library understanding of US copyright policies and fair use laws, Gould, Lipinski and Buchanan (2005) discovered that in 56% of the respondents’ libraries (n=78) the copyright go-to person was a librarian. The remaining 44% held non-library positions such as the University attorney or the copyright committee chairperson.

The position description of a Copyright Officer is discussed by Ritchie (2006), Albitz (2013), and Lean and Young (2002) and Ritchie (2006) outline the duties and responsibilities of their own Copyright Officer positions. These include administration of copyright licences, advice on use of copyrighted materials, provision of staff development training, attendance at faculty meetings, and the production of information literature – in addition to the more traditional role of an academic librarian. Albitz (2013, 432) surmised that “offering guidance on use of copyrighted content in courses and publications was the most frequently noted activity”.

Research conducted by Albitz (2013) examined the role of the library Copyright Officer in 11 member institutions of the Consortium on Institutional Cooperation in the USA. While Albitz does not specify the employment model of the Copyright Officers interviewed for her study she notes that:

*...this sample was chosen because all of these universities have the monetary and staff resources to dedicate someone to the job of copyright management.*

(Albitz, 2013, 431)

Albitz sought to determine whether a Copyright Officer placed in the academic library was more effective and/or had more authority than a Copyright Officer situated elsewhere in the institution. The research also investigated whether a Copyright Officer who holds a legal qualification (in this case a Juris Doctorate) had an increased level of authority. Albitz (2013, 435) found that while the organisational placement of the Copyright Officer within the library had an important and positive impact on the effectiveness of this position, a Copyright Officer with a legal qualification “is the most important component to building a copyright program that will be respected”.

Kawooya, Veverka and Lipinski (2015), who studied the trends in advertising for the position of an academic Copyright Librarian, found that only 16 of the 2,799 job ads in their dataset mentioned copyright in the job description title. They also noted that the American Library Association (ALA) “specifically identifies copyright as one of the ‘legal frameworks’ graduates from ALA-accredited programs should know and apply” (Kawooya, Veverka and Lipinski, 2015, 342). The *Core Knowledge, Skills and Attributes* policy of the Australia Library and Information Association (ALIA) (2014) does not include a “copyright”

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requirement for course accreditation in Australia, however it does make mention of “ethical, legal and policy issues that are relevant to the sector”. In the United Kingdom, CILIP (2014) include “information governance and compliance” in their list of professional expertise and generic skills.

While the role of Copyright Officer is often undertaken by various library staff who also fulfil other roles within the library, some authors are of the opinion that these particular duties should be the responsibility of one staff member only (Lean and Young 2002; Gould, Lipinski and Buchanan, 2005; Clayton, 2007; Prilliman, 2008). Lean and Young strongly advise that a Copyright Officer position within a library:

*...needs to be one where the incumbent can devote their whole time to copyright and related matters, and not a part-time position where, sadly, other matters can push copyright off the day's agenda.*

(Lean and Young, 2002, 268)

Prilliman (2008) argues that any extra salary cost involved in creating a full-time position is suitably balanced by the gains from having a copyright specialist who can draft policy, negotiate licensing agreements and monitor the current state of copyright legislation and compliance from an institutional level through to a federal level. In support, Clayton (2007) suggests that the budgetary responsibility for copyright permissions be set at the university level, and not as part of the library budget due to the significant cost that can be involved.

According to a survey from Universities Australia in 2014, there are 39 designated Copyright Officers in the 41 Australian universities. Most of the positions are identifiable from their name as being some kind of Copyright Officer. 29 of the 39 positions (74%) contain the word “copyright” or “information” in the title, with eight of the 39 (20%) having composite titles (for example: Senior Librarian and Copyright Officer; Copyright and Scholarly Publications Services). Generally the positions are managerial or lower, with only eight of the 39 positions (20%) attributed to a hierarchical position above that of manager (for example: University Librarian; Director). Three titles only (7%) make any reference to law (two “Legal Counsel” and one “Director, Audit & Governance”). It was unclear from the survey which of these 39 Copyright Officer positions are full time equivalent (FTE) positions.

Many library staff with the responsibility for providing copyright advice only do so on a part-time basis. Often these library staff are already involved in document delivery and / or reserve and e-reserve work (Findlay, 1994; Clayton, 2007; Graveline, 2011); some are involved in Open Access repositories (Charbonneau and McGlone, 2013); others already fulfil the role of faculty / academic liaison / subject librarians (Davis, 1998; Cooke *et al.*, 2011); and many more undertake the daily tasks of academic librarians and library staff (Kim and Lee, 2011). The academic liaison librarians who provided copyright advice and were the respondents of the study by Cooke *et al.* (2011, 25) reported that they felt there was “often insufficient provision made for regular in-depth and continuing professional education and development” with regards to the provision of copyright advice. It is very probable that the continued education and

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development referred to in this article is undermined by the myriad of other duties carried out by library staff, described by Oppenheim and Woodward as:

*...a picture ... of somewhat harassed library staff who can only devote a small part of their time to copyright queries.*

(Oppenheim and Woodward, 2004, 52)

### 3 Methodology

The survey and interview case-study methodology examines a small population in greater depth than would be possible with a broader study over a larger population. Although it reveals little statistical data about how common or unusual are the duties and opinions of the respondent Copyright Officers, this paper does provide useful information about potential resourcing models and offers starting points for discussion by library staff in universities where the Copyright Officer role is being reviewed or evaluated.

The research was initially undertaken for a degree of Masters of Information Management at Curtin University in 2014. The entire research project used a mixed-methods approach: firstly a survey and semi-structured interviews with each university library's designated Copyright Officer, followed by content analysis of the university's public-access website, examining the extent of advice and information about copyright that is provided by each of the libraries

Surveys of library staff are a common method to determine the extent of copyright compliance and advice offered in libraries (for example, Byrd, 1981; Moore, 1987; Oppenheim and Woodward, 2004; Charbonneau and McGlone, 2013), and to investigate which organisational positions have copyright matters as part of their duties (for example, Findlay, 1994; Oppenheim and Woodward, 2004; Cooke *et al.*, 2011).

Face-to-face interviews were chosen to build a higher level of spontaneity and trust, maximising the candidness and comprehensiveness of respondent answers over those that could have been obtained by other methods such as self-administered survey or telephone interview. Self-administered written surveys, rather than in-person interviews, give respondents time to formulate answers that may be over-cautious, especially given the documented fear of providing inaccurate legal information experienced by library staff who are responsible for providing copyright advice in academic libraries (Oppenheim and Woodward, 2004; Hickey, 2011). Similarly, an over-the-telephone interview could inhibit the free-flow of information needed.

Nunokoosing (2005, 699) emphasized that the importance of the interview as a method of data collection lies in encouraging the respondents to think and to talk about "their needs, wants, expectations, experiences, and understandings". Interviews also allow the interviewer the opportunity to seek clarification on points of interest:

*The interviewer does not just collect data, as if picking daisies; he or she colludes with the interviewee to create, to construct, stories.*

(Nunokoosing, 2005, 701)

Further measures were taken with the interview design to encourage participants to feel comfortable with sharing more in-depth knowledge. The wording of the interview questions was as non-threatening as possible; participants were assured of the anonymity of any answers given, of their right to answer 'no comment' or refuse to answer any questions, and that they were free to withdraw from the interview at any time without effect or negative consequences.

Invitations for interviews were sent to the officer with the most responsibility for copyright matters in the library, via the University Librarian. A 100% response rate was achieved and the semi-structured interviews were conducted during August and September 2014 in a place and at a time of the respondent's choosing. The respondents had no prior knowledge of the interview script, with the overall direction guided by the questions posed in the script. All interviews were recorded using a digital voice recorder to help with later transcription. A copy of the interview script is included as a Supplementary File.

The interview questions were organised into four categories:

- Background/survey style – to determine the relationship between the respondent's position and the library; and where this position sits within the structure of their university;
- Advice – the work that the respondent does as Copyright Officer;
- Compliance – the respondent's role and responsibility in ensuring the university as a whole complies with all copyright provisions; and
- General – the library's overall involvement in providing copyright advice.

Survey-style closed questions were included in the interview in order to determine demographics such as position title, reporting structure, and whether the respondent also carried out other non-copyright duties as outlined in their position description statement. Three questions from the 'Advice' portion of the interview were survey-style multiple choice questions:

- Who are the main seekers of advice? Academics; professional staff; students; other;
- How often are you asked for advice? Daily; weekly; other;
- How do you prefer to respond to advice? In writing (either by email or by letter); by telephone; face-to-face.

At the conclusion of each portion of the interview, the respondent was asked if there was any further comment they would like to add or make about the topic under discussion that had not already been covered by the interview questions. In many instances, respondents took the opportunity to either expand on a point already discussed, or to include any information they felt was necessary to clarify their overall impressions of their position as Copyright Officer.

After all interviews had been transcribed, the responses were tabulated to provide a quick reference and means of comparison for each of the interview questions. This was most beneficial in analysing the demographic and survey-style interview questions.

The data gathered during interviews were analysed in the first instance by a content analysis. The interview transcripts were examined closely to determine what the respondents considered to be the most important aspect of the topic under discussion. For example, where a relationship with the legal office of the university was mentioned, this was highlighted in the interview transcript and then transcripts of other interviewees were examined for this specific topic, compiling a list of all mentions of this relationship. Topics were also tabulated so that it was easy to cross reference the topic with the occurrence in every interview. Once this analysis was complete a subsequent comparison was conducted to determine the areas in which the four Western Australian university libraries differ in their approach to providing copyright advice and ensuring copyright compliance.

#### **4 Results and discussion**

Following analysis of the interviews, it became apparent that two of the libraries shared a similar model for staffing the position providing institutional copyright compliance and advice; while the other two libraries had another, different, model in common. These two clearly distinct models were not anticipated before the interviews, so respondents were not specifically questioned about the model employed in their institution. Any conclusions about the models have been made post hoc from general comments from participants about their duties, rather than from comments made specifically by the participants about the model used.

##### **4.1 Two models: “dedicated” vs “five-percenter” Copyright Officers**

One model involves a Copyright Officer with duties that only involve copyright-related matters. These are referred to in this work as “dedicated” Copyright Officers. The second model is where responsibility for copyright-related matters rests with an officer who devotes only around 5% of their time to copyright-related matters, with the rest of the time spent on other duties. Officers employed under this model are termed “five-percenter” Copyright Officers. Some duties performed by the dedicated Copyright Officers were performed by the Legal Office of universities with a five-percenter Copyright Officer.

Respondents employed under both models reported to a higher-management position within the university library. Neither of the two dedicated officers worked full-time, although this was more due to personal circumstances and preferences of the officers, than resourcing from the institution. Although employed to work on a 0.8 and 0.6 full-time equivalent (FTE) basis respectively, these dedicated Copyright Officers were employed solely to engage with copyright matters (100% of their time). The two five-percenter Copyright Officers were both employed on a 1.0 FTE basis, primarily fulfilling higher-management functions within the library, however they reported only spending approximately 5% of their time on copyright compliance and advice. As one five-percenter Copyright Officer explained:

*I would say 5% at most. I guess in terms of actively providing resources and support, then yeah, [5% is] probably all I can afford to give to it. Copyright is just one of the many hats that I have.*

This was confirmed by the other five-percenter Copyright Officer who stated that “copyright is not a big, big, big part of my job”.

Both five-percenter Copyright Officers interviewed stated that they had only been assigned to copyright matters because this complemented the duties of their substantive position. Their job descriptions did not include knowledge of copyright as “essential”. One five-percenter stated that:

*The reason why I'm copyright officer is because I had to develop that knowledge to get the repository up and running.*

The other commented:

*In the portfolio that I have, copyright is part of it but it's a bit strange the way it works in the sense that I'm not officially the copyright person.*

The lack of required familiarity with copyright before taking the position could have an adverse effect on confidence levels once the officer was required to perform copyright compliance and advice duties. Neither of the five-percenter respondents believed they had adequate authority to successfully fulfil their copyright duties, however neither wished to be given more authority in this field. This lack of perceived authority was not reported by the dedicated Copyright Officers.

One obvious difference noted between the Copyright Officers who worked under each model is that the dedicated Copyright Officers displayed more confidence in their abilities. This was communicated by their use of concise answers to questions posed and their referral to documented procedures, whereas the five-percenter Copyright Officers employed a more loquacious and anecdotal style. Not having pre-prepared answers to fundamental questions about their copyright functions likely reflects the lack of time the five-percenter Copyright officers devote to thinking about copyright, as their time is spent mainly on other higher-management duties.

#### **4.2 Relationships within the library and the university**

Neither the dedicated nor the five-percenter Copyright Officers worked in isolation from the rest of the university and all interacted with other departments and received varying levels of support from outside and within the library. Three respondents reported that they received support as advice from at least one of three key departments in the university, namely the legal office, information security office and/or technology office. In all cases, the relationship with these units was reported to be cooperative, good and even excellent.

Although the relationships with outside units were good, according to one respondent members of the university community sometimes preferred the library as the source of copyright advice. One five-percenter Copyright Officer, who is advertised to her campus community as the contact person for student enquiries only, reported that she receives many questions from academics who procedurally should be contacting the legal office. This Copyright Officer gave the following reason for the unofficial increase in her workload:

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*The lawyers [are] so busy with the university's other legal work and they don't often understand what the academics are on about [and] they [the academics] are more comfortable ... that I deal with it.*

This respondent also reported that university support for her position as Copyright Officer was verging on non-existent. However, she felt that the appropriate office would be in touch should she make a serious enough error, but that “they [the legal office] don't know much about it at all”.

There were differences between the two models with respect to assistance from other officers within the library. Both five-percenter Copyright Officers reported having direct assistance from co-workers or colleagues in carrying out their copyright functions. For one five-percenter, this assistance came from subordinate colleagues carrying out standard statutory copyright functions of the library (such as e-reserve and document delivery functions). Despite this assistance she reported that:

*I would say it is a pretty lonely task mainly because many librarians are so scared of it. I find that very annoying.*

The second five-percenter respondent reported assistance from a colleague who also fulfils a role in the university's digital repository and is expected to maintain, as a minimum, an intermediate standard of copyright knowledge. The two remaining respondents – the dedicated Copyright Officers – reported no direct assistance from their co-workers or colleagues.

In all universities, the Copyright Officers reported that other library staff did not have any significant role providing copyright training to the university community. All respondents reported that no copyright training to staff outside the library occurred other than that which they conducted themselves. One respondent noted that university faculty librarians occasionally ran training sessions “where they might touch on various copyright things”, however this respondent “was not aware of other library staff doing actual face to face presentations or training sessions” on copyright.

When asked if any other members of the library staff had any role in providing copyright advice, two respondents (one dedicated Copyright Officer and one five-percenter Copyright Officer) answered “not formally” and “not directly” respectively. The dedicated Copyright Officer who answered that no other members had a formal copyright role advised that some staff members “might do it incidentally” as part of their institutional repository roles; and that faculty librarians would occasionally give copyright advice, but that these functions would not be considered part of their position description statements and they would never have received any formal training in these matters. The five-percenter Copyright Officer who answered “not directly” qualified her answer by suggesting that some staff “would do it [provide copyright advice or training] in passing”, for example as part of marketing the services of e-reserve to teaching staff, or as part of overall library instruction and/or induction to students.

In two of the universities surveyed, other library staff were trained in copyright by external agencies. Interestingly, this did not correlate with either of the models. One of the dedicated Copyright Officers advised that all library staff at her

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university have completed basic copyright training provided by the Australian Copyright Council. This respondent believed the library staff who have completed the training “understand...how complex it is”, and should they continue to have concerns “I frighten them into either checking with me or with e-reserve staff”. The other five-percenter Copyright Officer advised that the copyright functions within their library were:

*...quite distributed and ... everyone is expected to have some level of knowledge about copyright as it relates to their particular role.*

Copyright essentials training for staff at this library was conducted by Copyright Australia Limited and the Australian Digital Alliance, and staff who required more in-depth knowledge – such as those working within the institutional repository – were then targeted for further training.

### **4.3 Involvement in copyright advice**

The largest difference between the two models was in the amount of involvement by the Copyright Officer in the provision of copyright advice, with the dedicated Copyright Officers having a far larger role in this than the five-percenters.

The two five-percenter Copyright Officers were quite concerned about their role in giving copyright advice when they are not from a legal background, reflecting earlier findings by Oppenheim and Woodward (2004) and Hickey (2011). One five-percenter Copyright Officer considered the approach to copyright by the university’s legal service as “high risk”. This was seen by the respondent to be counter-productive – “it doesn’t sit well with me” – however she acknowledged that the university lawyer had more expertise in this area “so I have to go with what he advises”. The other five-percenter did not feel qualified at all to even attempt to provide any legal advice, commenting “I don’t have any legal training ... I’m not certified to provide legal advice on copyright matters at all”. Although this respondent considered that she had meagre legal knowledge she did acknowledge that she had more knowledge than many of the other people in her university, indicating that she wished “...the law was better... more realistic, because I hate the incredulity of people” when they have the differences between the US “fair use” and the “fair dealing” provisions of Australian law explained to them.

Differences between the dedicated and the five-percenter Copyright Officers were clear in the amount of input that they had in the various copyright information forums in the university. Avenues for providing general copyright advice include the university and/or library website, training courses and workshops, and literature in both hardcopy and digital formats. The two dedicated Copyright Officers both reported that they had input into these. Of the five-percenter Copyright Officers, one respondent reported she had input into the copyright information on the library webpages only, and input into the literature contained in the library online information platform (LibGuides), but had no input into any other university copyright literature or copyright training. The second five-percenter reported that she had no input into the university or library copyright webpages. The literature used by this university was entirely supplied by organisations such as Copyright Australia Limited and the library website had not

been updated for some time. This officer also had no input into the content of any copyright training, although she regularly presented training material to academics and students that had been supplied by the university legal office. This respondent hoped to have future input into forums like literature, training and website content should the issue of under-resourcing within the legal office and / or the library be rectified.

This paper reports only the findings of the survey and semi-structured interviews. However, the concurrent analysis of the copyright information available on the university websites found less comprehensive and less detailed information on the websites for the universities with the “five percenter” model.

The frequency with which the Copyright Officers provided ad hoc one-to-one advice to members of the university community, and to those outside, also varied between the two models. All Copyright Officers reported that they occasionally gave advice on matters of individual concern to members of the university community – such as to academics who sought advice on preparing their research articles for publication. Advice was sought on a daily basis from the two dedicated Copyright Officers, and far less regularly from the five-percenter Copyright Officers. One five-percenter generally provided advice about higher degree theses, which was sporadic as these could reach completion stage at any time of the year. The remaining five-percenter Copyright Officer responded “it’s really rare. Probably I’ve had 3 or 4 queries this year”.

The two dedicated Copyright Officers also reported that they were asked for advice on copyright matters from bodies other than the university library, that is, they advised individuals who produced teaching materials, publications and higher degree theses. One dedicated Copyright Officer was also responsible for queries from a public library and an institute of technology (formerly a Technical And Further Education (TAFE)) institution due to the structure of one of their university campuses. The five-percenter Copyright Officers suggested that in their case a copyright expert from the university legal office would respond to any such queries.

#### **4.4 Involvement in copyright compliance**

All Copyright Officers linked institutional copyright compliance with the function of providing advice, with education / training seen as the most effective way to ensure copyright regulations were complied with throughout the university as a whole. This approach to copyright compliance is in accord with the findings of Kozumplik and Kreutziger (2010), Secker and Bell (2010), and Charbonneau and McGlone (2013), where regular training and workshops were suggested as an effective approach to educating patrons on the importance of copyright compliance.

Alternative Copyright compliance measures employed by all Copyright Officers included attending and running training courses; payment of fees for (and adherence to) relevant licences; staff education; appropriate public signage; and adequate procedures for areas such as e-reserve and document delivery. The dedicated Copyright Officers had far more complex compliance involvement,

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including completing the necessary copyright collection agencies' audits, and designing a management plan that contains 30 controls and measures.

#### 4.5 Satisfaction with authority and resourcing of position

In only one instance was a respondent (a dedicated Copyright Officer) able to report that she felt she had enough authority within her position to take steps to ensure compliance should a breach come to their notice. When asked if this level of authority was adequate, this respondent observed "just about", whereas the remaining dedicated Copyright Officer reported that "[I]..don't have any jurisdiction ... at all" and that she could only approach the legal office or the Vice Chancellor's office to take action "if there were sort of really serious breaches happening". The two five-percenter Copyright Officers did not believe that their position carried enough authority to ensure compliance. One felt the only authority she wielded in copyright matters was because of her "own personal gravitas" while the second responded

*...I don't think I would want more authority – because I'm not a copyright lawyer and I think that's why we have a legal services department.*

This respondent was also reluctant, when questioned about this further, to have her level of authority increased.

Three respondents believed that there was a gap between the policing and compliance responsibilities their position carried, and the authority that their position held. All claimed that this gap could be lessened if more resources were available for education/training purposes. One dedicated Copyright Officer said:

*...I don't physically have the time to ... run training courses for 50 different departments ... year in and year out [and] it's very hard in practice to know what is actually happening on the ground within teaching departments and areas.*

One five-percenter Copyright Officer reported that "I don't really have [the] time ... so there's no systematic approach [to education and training]."

Respondents were asked whether improvements could be made to the overall way their university ensures its copyright compliance. In all instances they agreed that it could, predominantly by the provision of more staffing resources. Two respondents independently suggested that these staffing resources would be effective if directed towards a wider education and training program, and the development of a compulsory online training course – with annual updates – for both university staff and students. One five-percenter Copyright Officer reported that even eight months into the academic year the university had not conducted any information sessions on copyright matters due to staffing restrictions.

When asked whether they thought the provision of copyright advice could be improved within their university, the predominant theme from the respondents was that advice needs to be targeted to the audience seeking the copyright advice and that it needs to be context-specific. Further, the webpages that deal with copyright information need to contain accurate contact information, be updated on a regular basis and most importantly be user friendly. This conforms to the research carried out by Charbonneau and McGlone (2013), where the authors advocate library-based targeted education and training in copyright and

compliance issues and provision of easily accessible copyright resources. Again, a major issue identified by respondents was a resource shortage, either in the time available to fulfil copyright functions effectively, or in the availability of adequate and current literature. All respondents reported that with more time they would be better able to produce resources such as frequently asked questions (FAQs) for the university and library website to assist staff and students with their copyright queries during out-of-office hours. One dedicated Copyright Officer has produced a hardcopy “quick and dirty copyright guide” that is supplied to course coordinators to answer any basic questions they may have at any time when the Copyright Officer is unavailable. Positive feedback has been received from university staff regarding this guide.

Regardless of the model employed by their university library, how much input they had into copyright advice materials and training, or how much authority their position carried with regards to copyright compliance, all Copyright Officers interviewed for this study expressed concern at the lack of resourcing available to them and the lack of direction given by the university’s legal office.

Comments from all Copyright Officers in this study suggest that the task of ensuring copyright compliance and providing copyright advice for an academic library carries with it duties and responsibilities consistent with at least a full-time equivalent position.

## **5 Conclusion**

As technology continues to change and provide easily accessible ways of infringing copyright (Australia Law Reform Commission, 2013), academic libraries and library staff are being tasked with ensuring that students, faculty and general staff of academic institutions are aware of and comply with the provisions of the current copyright legislation and regulations. In Western Australia these tasks have fallen to library staff who undertake various other roles within the library, or only work on a part-time basis.

Two distinct models of the Copyright Officer were found currently to be in existence in Western Australian university libraries. One model involved a Copyright Officer, employed either at 0.8 or 0.6 full time equivalent, whose sole responsibility was the management of copyright compliance and advice for the entire university. The second model was a Copyright Officer situated within the library who had many other duties and was only able to devote around 5% of their time to copyright duties, chiefly those relating to library obligations only, rather than university-wide copyright obligations. Under this second model, many responsibilities for university copyright were managed by a member of the legal office.

The research design could have been enhanced by initially seeking ethics clearance to conduct follow-up interviews if they were found necessary. This would have allowed further investigation of preliminary findings in the first analysis of the data. In this case, further questions could have been asked to further elaborate the differences in resourcing, duties and satisfaction of each model (five percenter or dedicated). This could have teased out whether as thorough and satisfactory service was offered by both models. Opinion from each

officer could have been sought about the two different models. Although intuitively it may seem that devoting more time to the job would provide a more adequate service, this research was unable to canvas the views of the officers about whether they believed that the dedicated model provided this over the “five percenter” model.

The differences between the two models are summarised in Table 1.

Feature reported by copyright officer	Model	
	<i>Dedicated (all work hours dedicated to copyright)</i>	<i>Five- percenter (5% of work hours dedicated to copyright)</i>
Confidence dealing with copyright issues	Less	More
Direct assistance for position from other library staff	No	Yes
Comfortable with providing copyright advice when not from a legal background	Yes	No
Concern about lack of direction from university legal office	Yes	Yes
Training of academic community by copyright officer	Yes	Yes
Other library staff trained in copyright externally	No correlation	No correlation
Input into copyright content on university website	Yes	No
Provide advice to those outside university library	Yes	No
Daily one-to-one advice to community	Yes	No
Complete copyright agency audits	Yes	No
Need more time to do copyright tasks	Yes	Yes

**Table 1: Comparison of features reported by copyright officers with two different staffing models.**

An immediate question raised by the observation of these two models is “will resourcing a university library Copyright Officer with so much more time provide better quality advice and compliance for the university community?”. As was seen in the discussion about the incumbents’ satisfaction with resourcing and duties, there was not an obvious difference when Copyright Officers staffed under both models discussed how well copyright compliance and advice was being supported by their library. There was no obvious dissatisfaction with job performance by any officer, although all believed that a better job would be done if there was more time devoted to copyright by a library officer, especially in the area of “self-serve” information on the library website. In light of this, it would be useful to conduct further research into whether members of the community served by these

two models (such as other library staff, academics, students or professional staff) perceive that better service is provided by one of these models over the other.

Five-percenter Copyright Officers reported far more assistance from other library staff with their compliance and advice role. There was not, however, the same correlation with education provided to the rest of the library staff by bodies outside of the library. Of the two libraries that implemented this, one had a dedicated Copyright Officer and one had a five-percenter Copyright Officer. It is not unreasonable to conclude that all universities, regardless of the Copyright Officer model employed, would benefit from a library staff more educated in copyright advice and compliance. Copyright Officers reported that other library staff did not specifically educate their communities about copyright matters; however, a clearer picture could be obtained by further research into the confidence-level and activities of other library staff with respect to non-statutory copyright compliance and advice.

It would be very interesting to discover whether the two models in Western Australia reflect a broad polarisation of possible models, with most university libraries applying models somewhere between the “dedicated” and the “five-percenter” models; or whether the “all or nothing (well, very little)” approach is found among most institutions. A review of the 39 designated Copyright Officers in the 41 Australian universities conducted in January 2014 (Universities Australia, 2014) shows that 18 of the 39 Copyright Officers did not perform other duties within the university and / or library environment. The dedicated model for copyright officers is thus common in Australian academic libraries, but it is not clear whether the “five-percenter” model is unique to Western Australia or also common. In investigating the proportion of time that non-dedicated officers devote to copyright, it would be interesting also to determine whether there is correlation between hours devoted to copyright and the served community’s satisfaction with the service.

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Supplementary file to: Carson, L. C. and Greenhill, K. (2015) One hat or many? A comparison of two models for the Copyright Officer position in university libraries, *Library and Information Research*, **39**(121), 57-74.

### **Interview Script**

This interview is about matters of copyright compliance and the provision of advice on copyright matters. Do you have any questions regarding what is meant by either copyright compliance or advice?

### **Organisational Relationship**

I would like to start with a few background questions about the relationship between your position and the library; and where it sits in the structure of the university.

1. What is your position description title?
2. As well as copyright functions, do you undertake any other functions within the library or university – as outlined in your position description and duties list?
  - a. Approximately what percentage of your time is spent on copyright functions?
3. To whom do you report?
  - a. What is their title/position within the university?
  - b. (If non-library) What is their relationship with the library?
  - c. (If non-library) Why are you situated in the library?
  - d. (If performing other functions) Do you also report to a different person for your non-copyright functions?
4. Do you think that enforcing copyright compliance is a core function of the library?
5. Do you think that the provision of copyright advice is a core function of the library?
  - a. No?
    - i. Do you feel that copyright matters have been placed within the library sphere because of the statutory requirements that name the library specifically?
6. In carrying out your copyright functions, do you have any direct assistance from co-workers or colleagues?
  - a. Yes
    - i. How many other people carry out the copyright functions with or for you?
    - ii. Do they also carry out other functions within the library or university – as outlined in their position description and duties list?
  - b. No

- i. Do you feel that you could better carry out your copyright responsibilities if you had assistance?
7. Including the library – do any other university departments support you, or collaborate with you as the copyright officer? (eg legal)
  - a. Yes
    - i. With which department/s do you work most closely?
    - ii. What sort of relationship do you have with this/these department/s.
  - b. No
    - i. Do you feel that you could better carry out your copyright responsibilities if you had inter-departmental support?
8. Are you responsible for actioning any “cease and desist” notices that the university receives?
  - a. No
    - i. Who within the university is responsible for actioning these notices?
    - ii. As you are the copyright officer, why do you think you do not have responsibility for actioning these notices?

Do you have any other comments you would like to make about the organisational relationship of your position that we have not covered?

### **Advice**

Now I would like to move on to the work that you do as copyright officer.

1. Do you have input into the copyright information that is placed on the university website?
  - a. No
    - i. Who within the university is responsible for the copyright information on the website?
    - ii. As you are the copyright officer, why do you think you are not asked to have input into copyright information provided on the university website?
  - b. Yes
    - i. Is this input of an advisory nature only? Or do you have direct input?
2. Do you have input into the copyright literature that is available to staff and students?
  - a. No
    - i. Who within the university is responsible for the copyright literature?
    - ii. As you are the copyright officer, why do you think you are not asked to have input into copyright literature provided by the university?

- b. Yes
  - i. Is this input of an advisory nature only? Or do you have direct input?
- 3. Do you provide any training to others regarding copyright compliance?
  - a. Yes
    - i. Is this carried out for the library staff only?
    - ii. Yes
      - 1. Who provides training to other areas of the university in these matters?
  - b. No
    - i. Who within the university is responsible for providing training to others regarding copyright compliance?
    - ii. Do you have input into the training provided?
      - 1. Yes
        - a. Is this input of an advisory nature only? Or do you have direct input?
      - 2. No
        - a. As you are the copyright officer, why do you think you are not asked to have input into copyright compliance training provided to others in the university?
- 4. Outside of the statutory requirements that name the library specifically, are you asked for advice regarding copyright matters from any other bodies that are involved with the university: such as other educational institutions (TAFE or high school) or public libraries?
  - a. Are you asked for any advice on copyright regarding personal matters?
- 5. Who are the main seekers of the advice that you can give on copyright matters? Is it:
  - a. Academics
  - b. Professional staff
  - c. Students
  - d. Other
- 6. Approximately how often are you asked for such advice? Is it:
  - a. Daily?
  - b. Weekly?
  - c. Other?
- 7. How do you prefer to respond to the advice sought?
  - a. In writing
    - i. Email
    - ii. Official letter
  - b. By telephone
  - c. Face to face

8. Can the way the university currently provides advice on copyright compliance be improved?
  - a. How?
  - b. By whom?

Do you have any other comments you would like to make about the advice that you provide on copyright matters that we have not covered?

### **Compliance**

In this next section, I would like to ask about your role and responsibility in ensuring the university as a whole complies with all copyright provisions.

1. What measures are you involved in regarding copyright compliance?
  - a. How much authority do you have as the copyright officer?
    - i. Do you feel this is adequate?
  - b. What steps– if any – can you take to ensure compliance?
    - i. Are these steps dictated by the university to you?
    - ii. Do you feel these are adequate?
2. Do you feel that there is any ‘gap’ between what you are supposed to do and what you actually can do?
3. Can the way the university currently ensures its copyright compliance be improved?
  - a. How?
  - b. By whom?

Do you have any other comments you would like to make about you position as copyright officer that we have not covered?

### **General**

In this final section, I would like to ask about the library’s overall involvement in providing copyright advice.

1. Does the library provide any copyright-based training sessions not specifically conducted by you as the copyright officer?
2. Do any other members of the library staff have a role in providing copyright advice?
  - a. Are they trained in any way to give advice?
    - i. Who provides their training?
  - b. To what extent do they give advice?
3. Apart from your involvement, does the library have any representation on any copyright committees or panels?

Do you have any final comments you would like to make on any of the topics we have covered?