# But I Cited It! Best Practices in Teaching the One-Shot Copyright Instruction Session for Undergraduate Students

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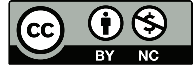

CHAPTER 11

# But I Cited It! Best Practices in Teaching the One-Shot Copyright Instruction Session for Undergraduate Students

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Today's undergraduate students, born between the mid-1990s and the early 2000s, are the first members of Generation Z to attend college.[1] Born at the same time as the World Wide Web, this generation is the first to be comprised of true digital natives.[2] Not only do Generation Z students possess a digital savvy beyond cut-and-paste and have the skills to be producers and re-users of content, they also come to the classroom with technology ready in hand.[3] They have expectations that all information can be found quickly and that support should be available 24/7.[4] Given their easy and ubiquitous access to the technological tools and services of the peer-to-peer sharing economy, Generation Z is entrepreneurial in nature "with nearly half wanting to start their own business."[5] However, these students are not equally savvy with copyright law, either in understanding their rights as creators or the contours of copyright exemptions for users, like fair use.[6]

The expectations and digital skills of students have led instructors to make changes in how they teach. Technology is now readily available in

many classrooms, more easily enabling the integration of PowerPoint presentations, audio, and video into lessons by the instructor and by the students for class presentations. Instructors will also use technology to provide content for the students to read and review in advance so that face-to-face time in the classroom can be spent on discussion, a technique sometimes referred to as the flipped classroom. Another advantage of integrating technology into instruction is the ability to more easily accommodate multiple learning styles and engage students in active learning exercises.

The assignments which instructors make for students also reflect the changing expectations of digital natives. Where previously a student may have been assigned to write a paper, read only by the instructor, now it is equally possible that a student may satisfy the requirements of an assignment by creating a website or a video posted on the web, which can be read or viewed by anyone with access to the internet. While the integration of third-party content into the paper turned into the instructor is clearly a fair use, the integration of third-party content in a website or video may not be as clearly established as a fair use. If a video is uploaded onto a hosting site, like YouTube, it could be brought down unexpectedly and without warning if the rightsholder of third-party content has notified YouTube that they do not want their content distributed on that site.[7]

For librarians, the past practices of focusing on providing students with assistance on selecting a research topic, citing sources, and managing citations are still important but may not be enough. While students are often savvy in how to use technology, including creating and reusing content, they frequently do not understand the intellectual property laws that both provide them rights in content they create and provide guidance on how they can use the content of others. For digital projects distributed on the web, knowing how to do research, cite sources, and manage citations are still essential skills, but successfully understanding and navigating copyright law is also essential. Students frequently do not understand how copyright ownership works, that they are copyright owners, or the rights which they receive under US Copyright Law. When reusing digital content, students may encounter Creative Commons licenses and not understand how to successfully use the license or assign a Creative Commons license to their own work. The nuances of fair use are also not

well understood, though students unknowingly rely on fair use frequently throughout their academic careers. Unless students publish their work, they have likely never needed to request permission to use the works of others. For many instructors, their understanding of copyright law may well be shaped and informed by their experiences publishing scholarly articles and/or books. This experience may not provide the breadth of expertise to adequately advise students on the application of copyright law.

The tools available to students may also not be familiar to instructors. For example, many libraries and academic technology centers are offering 3D printing, which can raise questions on the template used for printing, the appropriateness of the item being replicated, and potential trademark or patent protection.[8] One current source of templates is Thingiverse (https://www.thingiverse.com/), which has changed its intellectual property policies over time, including requiring those who upload a template to grant a license to Thingiverse and also to select a Creative Commons license to allow others to use the template. Students and instructors presented with these terms of use often need guidance on the implications of their use of the site and the selection of a Creative Commons license for their work.

When designing a one-shot copyright instruction session for undergraduate students, the ACRL *Framework for Information Literacy for Higher Education*[9] can provide guidance on how to frame the discussion for students. One of the six concepts in the *Framework* is that "information has value" and that "[i]nformation possesses several dimensions of value, including as a commodity, as a means of education, and as a means of understanding and negotiating the world."[10] This includes the concept that "[l]egal and socioeconomic interests influence information production and dissemination."[11] For students who have grown up with a wealth of free information at their fingertips on a smartphone, the underlying legal and economic structures in place that facilitate and regulate that access are not readily apparent. One of the knowledge practices for "information has value" is for a learner to "articulate the purpose and distinguishing characteristics of copyright, fair use, open access and the public domain."[12]

In a one-shot copyright session, the topic of the session may lend itself to incorporating other concepts from the *Framework*. For example, if

your copyright session is in advance of a class doing projects using a 3D printer, it may be beneficial to incorporate some of the concepts articulated in "information creation as a process," including for students to "develop, in their own creation processes, an understanding that their choices impact the purposes for which the information product will be used and the message it conveys."[13] As creators in a 3D printing class project, students may also benefit from a discussion of how "authority is constructed and contextual," particularly for students to "acknowledge they are developing their own authoritative voices in a particular area and recognize the responsibilities this entails, including accuracy and reliability, respecting intellectual property, and participating in communities of practice."[14]

Reviewing the six concepts in the ACRL *Framework* before you begin to design your copyright session may provide you with a frame in which to articulate the learning outcomes you hope to achieve in the session.

# Designing Your Copyright Session

## *Instructional Design and Preparation*

Preparing for your one-shot copyright instruction session involves the application of instructional design. According to Ragains and Emmons, instructional design is a process comprised of two phases: analysis and design.[15] In the analysis phase, you need to know the ultimate purpose of the class. In order to best develop instructional content, you need to first have an understanding of the nature of the class. What is the subject matter or topic of the class? What are the instructor's overall pedagogical goals for the class? Why does the instructor wish to educate her or his students about copyright? Is there a particular class assignment or practice that students are being asked to complete? Answering such questions will prepare you to offer the best possible information in a one-shot instruction session while still serving the pedagogical goals of the course.

The analysis phase involves conversations with the instructor well before walking into the classroom. Sometimes, instructors are willing to meet with you in person to discuss the needs of their class. However, you will

often find that these conversations take place exclusively over email. In conversations with instructors, ask logistical questions to help inform your planning and organization. Ragains and Emmons recommend that you "consult with faculty to determine their expectations. Ask them who, what, where, when, and why; for example, who are the students, what do you want them to learn, why is it important, when and where is the class?"[16] Table 11.1 outlines some specific questions that can help you in in the design phase of your instructional design process.

**Table 11.1.** Logistical questions for instructors

| **Question** | **Rationale** |
|---|---|
| How much time do I have with your students? | This will help you prioritize content and activities. If you only have 15 minutes with the students, focus on the single most important piece of content. Be sure to bring business cards and/or handouts to give to the students as you leave. Make sure to emphasize how students can reach you if they have questions while working on the project. |
| Can I assign readings for students to complete before our session? | It can be helpful to assign readings in advance, especially if you are short on time or want to spend more time engaging in a nuanced concept, like fair use. However, be careful—undergraduate students do not always complete assigned readings, especially when long and jargon-laden. You'll want to assign short, clear readings or videos for the students to watch before class. |
| Could students submit their specific questions to me in advance? | In some cases, you are being brought into the classroom because students already have specific copyright questions. In this case, it is best to review those questions in advance. You can then tailor your instruction session around the concepts inherent in those questions, increasing efficiency for both you and the students. |
| Should/can I assign homework for after my session? If so, who will be responsible for grading the homework? | Some instructors want to make a homework assignment to align with your instruction session. This can be a beneficial assessment tool. However, it is best to be clear about expectations around assignments. Will you develop the assignment or will the faculty? Does the instructor expect you to provide feedback on the assignments? If so, to what degree? |

In addition to consulting with the instructor, you should review a copy of the course syllabus, a description of the assignment/activity that the students will be given, if any, and a statement from the instructor describing how your visit to the class best supports the class's learning objectives. These documents will give you a strong sense of the class subject matter and provide insights into what copyright concepts are necessary to best support the class. By reviewing these documents when developing your session, you can be sure to set up examples and activities that align with these learning objectives.

Once you have assessed the logistics and pedagogical goals of the class, your next task is to organize and design your instruction session. Utilize what you learned in the analysis phase of your instructional design process to make decisions about what content to include and how to arrange the concepts. Make sure you prioritize only the most important concepts. While it can be tempting to try to cover all potentially related concepts, it is impractical. Buchanan and McDonough emphasize that "you will have to step back and think about what you want the students to learn, and why—then consider what is reasonable to expect from a one-shot session."[17]

As librarians, we provide information but we do not provide legal advice. When you get in the classroom, you want to set expectations with the students right away. You are there to provide them with information about the law. You are not there to give them specific legal counsel. Start your instruction session with your specific credentials: either you are a lawyer but not serving in that capacity in the class or you are not a lawyer. In either scenario, it is helpful to clarify for the students your role and intention.

## *Selecting Content*

Ideally, you want to cover the core concepts of copyright law basics described in table 11.2 in each session. These concepts provide a foundation for how copyright law functions practically and can inform some components of more complex topics. When short on time or trying to engage with a more nuanced and time-consuming topic, like fair use, you can choose to use videos or advance readings assignments to present these concepts outside of the instruction session.

| Table 11.2. The core concepts of copyright law basics |
|---|
| Concept |
| US Copyright Law Origins |
| Exclusive Rights |
| Definition of Protectable Works |
| Ownership of Copyright |
| Duration of Protection and Public Domain |

Beyond these core concepts, other topics may be appropriate to include in your session. Deciding when and how to teach these concepts is entirely dependent upon the class goals. The following sections can assist you in determining when to include a particular topic. The topics included are most relevant for undergraduate students. If you are working with a class of graduate students who may be teaching, you might consider including more in-depth discussions of the Classroom Teaching exemption and the TEACH Act.

## *Fair Use*

Fair use is arguably the most nuanced topic presented in one-shot copyright instruction sessions. Teaching it effectively to undergraduate students requires significant time and pacing to ensure student engagement and understanding. You can also expect a number of follow-up consultation appointments after your class visit from students seeking clarity under specific circumstances. While teaching fair use to undergraduates can be done, it should be done selectively given the commitment of class time. You want to ensure that the pedagogical goal of the class (e.g., the assignment being proposed) necessitates a strong understanding of fair use by the students. Often, when an assignment calls for students to use a specific type of third-party copyrighted content as evidence for a scholarly argument, fair use is appropriate. For example, if a class will be creating an online exhibit of a featured collection in your institution's archives, a robust understanding of fair use and online exhibitions can be very beneficial. Demonstrating to students how they can conduct a fair use analysis provides them not only with the skills to effectively develop the exhibit, but to conduct fair use analyses in their future professional and private ambitions.

## *Copyright Permissions*

Seeking permission to use a copyrighted work is a complex process hiding under the guise of a simple task. When students are required to work with specific content outside the scope of fair use or when permissions seeking is built into the course assignment, this topic is appropriate. For example, a class writing scholarly essays about twenty-first-century American photography that includes images and will be submitted for publication to an academic journal may require students to seek copyright permissions. In such cases, it is appropriate to model both example permissions workflows as well as specific scenarios to ensure students understand and can complete the permissions process.

## *Creative Commons*

One of the most popular topics taught in copyright one-shot instruction sessions is Creative Commons licenses. After wading through the core concepts of copyright law, many students feel overwhelmed by the complexity of determining if something is copyrighted and making decisions about how to proceed. When students need to use a particular type of work but not a specific item, Creative Commons licensing is a crucial topic to discuss. The Creative Commons provides an easy, stress-free solution that students do not know they need, particularly in classes focused on the creation of multimedia projects. For example, when a class requires students to create podcasts, students immediately gravitate toward the music in their personal collections without considering the copyright implications. Music licensed under the Creative Commons is abundant and easy to find. It provides a simple rights-free alternative for students to the complexities of music and sound recording licensing. If possible, demonstrate to students where to find Creative Commons-licensed content and how to include it in their particular assignment, including specifications around appropriate forms of attribution.

## *Distinction Between Plagiarism and Copyright Infringement*

Students often conflate copyright infringement with plagiarism. They know they need to cite their sources. Yet, often they believe citation

will protect them from copyright infringement liability. Plagiarism is an academic norm requiring authors to cite the authors of original ideas incorporated in their scholarship. Given the variance in the educational and cultural backgrounds of undergraduate students, an understanding of what is or is not plagiarism can vary. Copyright law requires authors to get permission or apply an exemption like fair use to use a copyrighted work. Citation alone is not a defense to copyright infringement.[18] Taking the time in an instruction session to explain the distinction between copyright and plagiarism is beneficial in developing information-literate students.[19] It is also of particular importance when students will be publishing and distributing their assignments online.

### *Contract Law and Licensing*

Undergraduate students already possess a strong grasp of technological skills. What they may not necessarily grasp is the influence of contract law, in the form of website terms of use or database licensing agreements, on their use of content in class assignments. When you know that students will be using websites or licensed databases for content to reuse, it is worth taking the time to review how terms of use and licensing agreements govern content. For example, if you are teaching your students how to text mine websites, the terms of use for a given website may specifically allow or exclude text-mining practices. It is also important to raise awareness of contractual obligations when assignments require students to use a particular technological service for distributing their own content. For example, if students are asked to develop a mobile app, they will be bound by the terms of iTunes or the Google Play Store in order to distribute their app on these platforms.

## Putting It Together

Given the specific alignment of pedagogical goals and copyright concepts, you will want to tweak your instruction session for every class that you visit. While you may have a standard method or practice for teaching a particular concept, the way in which you stitch concepts together

for a particular class will be different each time. To increase your efficiency in putting together an instruction session, you may want to have standard concept modules saved and ready to go. When an instructor contacts you to visit their class, you can quickly stitch together the relevant modules that will satisfy the particular teaching goal. Then, you can intersperse your session with specific examples relevant to the individual class.

In addition to planning the content for your in-class session, you will want to consider how to support students after the class ends. The one-shot instruction session offers the students the opportunity to get to know you as the copyright expert. It also positions you as the point of contact for copyright questions that arise during the course and the rest of their careers as students at your institution. Also consider what helpful resources to share with the students to support their work beyond the classroom, whether it is your own institutional library guide or an online tool from another institution, making resources available to students can give them a sense of agency and confidence to tackle their copyright concerns independently while still providing support from the institutional expert when needed.

## Teaching Copyright: Instruction Best Practices

While selecting the appropriate concepts for your instruction session is crucial, your instruction approach is equally significant for enhancing student engagement. To ensure student comprehension, you can employ several teaching strategies in your one-shot session. First, be sure to include plenty of examples or scenarios to work through as a group when focusing on a particular concept. Additionally, try to incorporate active learning exercises into the session to ensure that key concepts are well understood. Case studies or scenarios[20] present a rich opportunity for student learning. By providing real-life copyright issues for students to analyze and dissect, either through think-pair-share[21] or group discussion[22] activities, you can ensure students apply key concepts appropriately as they work toward a solution.

In addition to classroom engagement strategies, keep in mind that instruction is performance. If you are monotone, quiet, and inexpressive, your audience will disengage quickly. Additionally, talking at a slow and steady pace gives students the opportunity to digest the information presented. This is particularly important when teaching dense material like copyright law. Practice varying your tone and pace. When speaking, pretend you are talking on the phone to a person who cannot hear you well—speak slowly, enunciate, and project.

Students are also keenly attuned to a teacher's level of interest in a subject. They can tell if you are passionate about a topic and are more likely to engage with the topic if you demonstrate passion about it. Do not hold back on your love of copyright. If you are enthusiastic, your students will pick up on it and engage more.

In addition to being mindful of your teaching performance, also be mindful of your teaching tone. Copyright law is complex and can be frustrating for students to comprehend and apply. Try not to add on an additional burden by emphasizing negative consequences. Your goal is not to scare the students such that they are paralyzed by copyright fear. Your goal is to empower the students with the knowledge they need in order to work with intellectual property legally and ethically.

After you have completed your session, you will want to get feedback on how it went, both in terms of your effectiveness as a teacher and student comprehension. You can use a quick, three- to five-question survey[23] to gauge student's thoughts and feelings about the session and its relevance to the class. Or you could use the "minute paper" technique in which you ask students to respond to a broad and open-ended prompt question like, "What was the most important thing you learned in this class?"[24] Some instructors prefer to hand out paper surveys at the end of the session. Others email links to online surveys to the class, seeing the anonymity of the online environment as a boon to student candor. Others rely on follow-up correspondence with the instructor to get an anecdotal assessment of their work or follow-up on final assignments. The choice is yours. The key is to complete some kind of assessment activity and to use that data to further develop your instruction practice.

# Conclusion

The one-shot copyright session for undergraduate students is both a challenge and an opportunity. While it is a challenge to present the nuances and complexities of copyright in an hour session with students, it is an opportunity for students to better understand the underlying legal and ethical intellectual property constructs they encounter daily. Presenting these concepts in the context of a class or class assignment can also turn theory into practice and may provide students with a framework in which to better understand their role as both producers and users of copyrighted content. As technology continues to reshape the copyright landscape, providing students with an understanding of their rights as creators of content and their responsibilities as users of content will help them successfully navigate the new technologies they will encounter throughout their lives.

# Recommended Copyright and Information Literacy Resources

## *Books*

Bowles-Terry, Melissa, and Cassandra Kvenild. *Classroom Assessment Techniques for Librarians*. Chicago: Association of College and Research Libraries, 2015.

Buchanan, Heidi E., and Beth A. McDonough. *The One-shot Library Instruction Survival Guide*. Chicago: ALA Editions, 2014.

Crews, Kenneth D. *Copyright Law for Librarians and Educators: Creative Strategies and Practical Solutions*. Chicago: American Library Association, 2012.

Russell, Carrie. *Complete Copyright for K-12 Librarians and Educators*. Chicago: American Library Association, 2012.

Smith, Kevin L. *Owning and Using Scholarship: An IP Handbook for Teachers and Researchers*. Chicago: Association of College and Research Libraries, 2014.

### *Online classes and materials*

Association of College and Research Libraries. *Framework for Information Literacy for Higher Education.* January 11, 2016. http://www.ala.org/acrl/standards/ilframework.

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Smith, Kevin, Lisa A. Macklin, and Anne Gilliland. "Copyright for Educators & Librarians." Coursera. https://www.coursera.org/learn/copyright-for-education.

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2. Seemiller and Grace, *Generation Z*, 6.
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7. Margaret Gould Stewart, "How YouTube Thinks About Copyright," filmed February 2010 at TED2010, https://www.ted.com/talks/margaret_stewart_how_youtube_thinks_about_copyright.
8. American Library Association, "Progress in the Making: 3D Printing and Policy Implications," No. 1, September 2014, http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/advleg/pp/hometip-3d_printing_tipsheet_version_9_Final.pdf.
9. Association of College and Research Libraries, *Framework for Information Literacy for Higher Education*, January 11, 2016, http://www.ala.org/acrl/standards/ilframework.
10. Association of College and Research Libraries. *Framework*, 6.

11. Ibid.
12. Ibid.
13. Ibid., 5.
14. Ibid., 4.
15. Patrick Ragains and Mark Emmons, "Setting the Stage for Information Literacy Education," in *Information Literacy Instruction That Works: A Guide to Teaching by Discipline and Student Population* (Chicago: Neal-Schuman, 2013), 9–10.
16. Ragains and Emmons, *Information Literacy Instruction*, 9.
17. Heidi E. Buchanan and Beth A. McDonough, *The One-Shot Library Instruction Survival Guide* (Chicago: ALA Editions, 2014), 19.
18. While citation does not erase the risk of copyright infringement, it can help to cite works when making a fair use argument.
19. Patricia Bravender, Hazel Anne McClure, and Gayle Schaub, *Teaching Information Literacy Threshold Concepts: Lesson Plans for Librarians* (Chicago: Association of College and Research Libraries, 2015), 157.
20. Buchanan and McDonough, *The One-shot Library Instruction Survival Guide,* 51.
21. Ibid., 45.
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