Ethical and Legal Use of Information by University Students: The Core Content of a Training Program

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Abstract

Most intellectual works used by university students are copyrighted, which means there is a conflict between upholding these rights and respecting the use and access of works to develop their activities of learning and research. Yet students are not only the users of intellectual works—they are also creators, producing monographic works on assignment in the course of their undergraduate or graduate studies, whose copyright belongs to them. This close relationship between the activities of university students and the rights of authors has become more complicated with the development of the digital setting. There are far greater possibilities for creating, using and distributing digital information nowadays, but at the same time copyright legislation has become increasingly complex and restrictive. There is clearly a need to have basic knowledge regarding copyright in order to proceed in a proper way in the academic realm, and this need is addressed in the main information literacy standards. As a result, university libraries have taken on a new professional role, preparing their users to face the fundamental challenges for a proper use of information. We present a draft for a training program based on three pillars: examination of the information literacy standards/framework; analysis of the main points of intersection or friction between copyright and university students’ activities; and finally, the responses to a questionnaire by a sample of students from a Spanish university.

Most intellectual works used by university students are copyrighted. Hence, there is a collision between the rights held and the usage of a work for learning and research activities. Moreover, students are not only the users of intellectual works: the papers they hand in as assignments for undergraduate or graduate courses are likewise intellectual works, and in this case the students hold the copyright. The tangled two-way relationship inherent to the university setting is growing more complex and significant as the digital setting develops. While on the one hand the possibilities for creating, using and distributing digital
information have grown exponentially, recent changes in legislation that are very difficult to follow have led to greater constraints.

University students generally make good use of the tremendous possibilities and facilities that digital information offers in terms of its use and transmission, taking advantage to use, modify, share and divulge works much more freely. However, sometimes their actions go beyond what is permitted by law. The great facility for infringement is precisely the justification behind recent reforms in copyright laws. Further measures of protection recently introduced include, most notably, DRM systems and licenses (Fernández-Molina, 2004; Eschenfelder, 2008). Thus, norms regulating the use of intellectual works have progressively fortified protection, even to the point of sacrificing the vital balance between the rights of the two parties involved—rightholders and users. As a reaction we have seen the surge of copyleft movements, with initiatives as interesting as the Creative Commons licenses, whose successful development has modified and added further complexity to the previously existing panorama.

The use and creation of intellectual works on the part of university students has implications of a legal and of an ethical nature. Indeed, the frontier between these two realms can prove to be quite fuzzy. It is not always clear which uses of a work are permitted within the right of quotation, or how to discern plagiarism from a dishonourable or lazy practice that is not strictly illegal.

Do today’s university students have the basic knowledge needed to help them face problems of an ethical-legal nature with some guarantees of success? A few studies have looked into this matter (Chou, Chan, & Wu, 2007; Wu, Chou, Ke, & Wang, 2010; Joint Information Systems Committee, 2012; Datig & Russell, 2015), and in general terms, their results make manifest that such knowledge is scanty and often plagued by confusion or misunderstandings with regard to elementary matters. The need for some specific formation has not gone unnoticed by the library community, which has quite naturally adopted a new role. Their privileged situation as intermediaries between the information sources and the students, face to face, makes them the most adequate professionals to provide training and advice in these issues (Albitz, 2013; Jaguszewski & Williams, 2013). It should therefore come as no surprise that they are included in the information literacy standards and frameworks (Association of College and Research Libraries, 2000, 2015), whose practical implementation is nonetheless no simple matter. Academic librarians are trained regarding the other four standards of information: need, access, evaluation and use; but most did not receive adequate training about ethical-legal matters (Cross & Edwards, 2011; Charbonneau & Priehs, 2014). The fact is, in recent years there has been a nearly desperate call for professionals with a legal background (Kawooya, Veverka & Lipinski, 2015).

At this point, there is certainly no question about the need to provide this type of instruction to students, and for it to be carried out by the university library. We should therefore attempt to outline some basic contents for a training program. It seems logical that the starting line be drawn by the information literacy standards/framework, but these guidelines are of a general character, and they should be completed through an analysis of problems specific to the setting (both legal and factual) where the training will be imparted.