LIS-S604 Legal Issues for Library and Information Managers
Department of Library and Information Science
Indiana University School of Informatics and Computing
Indianapolis
Spring 2021

Section No.: 32492
Credit Hours: 3
Instructor: Tomas A. Lipinski
Email: tlipinsk@uwm.edu (you may also use Canvas Inbox for course matters)
Prerequisites: None
Instruction mode: This course is offered online only

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COURSE DESCRIPTION

A detailed exploration of the legal issues arising in various library settings, including access rights, privacy and confidentiality, copyright, licensing, intellectual freedom and information liability and malpractice.
EXTENDED COURSE DESCRIPTION

Welcome to Legal Issues in Library and Information Settings. There is much to do, but you will find the course follows a session or topical approach that will help to keep you on schedule. While you will not be able to learn every aspect of the law relating to libraries you will leave the course with a strong foundation to continue learning in these and news areas… we’ll dispel myths, practice how to think as courts, lawyers and “the law” thinks regarding legal issues in the library and how to approach and resolve problems of legal risk management in the library and related settings. This course will also prepare you to be an advocate for a variety of library and patron rights of access to and use of information in all its forms.

Legal issues are becoming increasingly important in libraries and other information settings. The litigious nature of our society, the reactive nature of our legislative processes and at times the partisanship of our administrative agencies only exacerbate and complicate the challenges for librarians in navigating sound decision-making in this area. There is more law to understand now than 10 or 20 years ago when this course was first developed and taught; more court cases, statutes and administrative rule of direct relevance to libraries. The prevalence of digital content requires a thorough understanding of copyright and contract (licensing). In our connected world patron informational privacy remains a bulwark of the librarian profession and its practice. The Free Speech Clause of the First Amendment continues to drive our law and policy making in libraries, from access issues (meeting rooms, display cases, presence in the library, liberty interests, etc.) to content regulation (in-house and online collections) to information liability and malpractice for what some may call dangerous information, disinformation (“fake news”) or outdated information including information execution errors. These concepts are explored in detail throughout the course, increasing the repertoire of tools with which the graduating librarian can enter practice.

Required Readings/Resources

There is NO required textbook. All optional readings are available on the Canvas course site and listed under each session topic.

Primary Legal Materials: Cases, statutes and regulations are available for reference and review. Most will be discussed in class so do NOT consider yourself obligated to read each item but follow along as you listen. When primary legal documents should be read ahead of time the instructor will indicate those most critical of your attention (these are marked in the syllabus with the parenthetical notation in bold: “PLEASE READ THIS CASE”). There are only two (2) such documents; the two U.S. Supreme Court decisions involving libraries. There is an mp4 file prepared to help you read and understand the significance of each case so you can follow the important points as you read.

Secondary Legal Materials: Additional material is available for your review; articles and book chapters. These are optional readings and reinforce the content covered in the mp4 audio/video lectures. Read or review as you find it helpful.
**Supplemental Materials:** These are slides, tables, handouts etc. prepared by the instructor and often form the basis of the content for our class time together (recorded mp4 files) as well as your own asynchronous or group work. Some statutes and handouts are covered in detail.

**It’s your choice:** Everyone possesses a unique and wonderful learning style; some students prefer to read, review or browse readings and session content before listening to the recorded files, others consult the readings and content after listening to the recorded files as reinforcement, seeking clarification or simply to have another perspective or presentation mode available, while still others are fine with simply listening intently to the mp4 files and follow along with the content as it is presented making notes as needed. Please do what works best for you!

**Recommended Readings/Resources**

These materials are NOT available on the Canvas course site but are a good bibliography of monographic readings in the area serving as a fine reference shelf for your practice:


Tomas A. Lipinski, Copyright Issues in the Distance Education Classroom (2005) (Scarecrow Press, Inc.).


**Required Software**

Other than Internet access and a browser there is no special software required. Canvas works best in the most recent version of Edge, Chrome, Firefox, or Safari browsers. Canvas does not support Internet Explorer.
Assignments should be submitted in Microsoft Word. Some learning objects are in Microsoft PowerPoint or PDF so having the most up-to-date versions of these programs is recommended.

You have three sources for software: IUware, IUanyWare, Office 365

- **IUware (iuware.iu.edu)** allows students, faculty, and staff to download software at no charge. See [What is IUware?](kb.iu.edu/d/agze)
- **IUanyWare (uits.iu.edu/iuanyware)** uses a web browser or mobile app to run certain IU-licensed software applications without your needing to install them on your device. See [What is IUanyWare](kb.iu.edu/d/bbbr). Note: You will be asked to download and install Citrix Receiver the first time you use the full service.
- **Office 365 (uits.iu.edu/office365)** is a subscription-based service free to all IU currently enrolled students that provides multiple options for accessing the newest versions of Microsoft Office. See [About Microsoft Office 365 at IU](kb.iu.edu/d/bexq)

For more details, see [How to get university-licensed software at IU?](kb.iu.edu/d/aclo)

**Teaching and Learning Methods**

Active learning (AL), project-based learning (PBL), small Group Work and asynchronous use of Canvas to access the pre-recorded course files, posted content and engage your peers in discussions.

**ASSESSMENTS**

**Assessments Details**

Each student should not only read the assigned material but also arrive at a competent understanding of it prior to assessment. These measures will be used to assess student-learning outcomes:

- **Quizzes** (three: Q1, Q2, and Q3) 30%
- **Final Exam** 30%
- **Final Project**: Legal Critique and Analysis 30%
- **Participation** 10%

**Participation**: The course content can be challenging and of course important; the goal is to have you understand the material and be able to make your own independent assessments in the future (though former students get one free phone call!). You can contribute in a number of ways: being active in Canvas discussion areas, communicating with instructor by email or other technologies, using the discussion space established for your Group that is intended for use in completing the
quizzes (these will be available once the groups are populated and accessible only to your Group members and the instructor).

As graduate students your participation is expected. Quality of participation however is the gauge of your contribution not the quantity! A good rule of thumb is to choose a discussion question from those listed under the Session and attempt to answer it or pose your own question or case study and attempt to answer or analyze it; respond to at least one other similar post by your peers. Do this for weekly if possible, at least once each session, remembering again it the quality of your communications not the quantity that counts!

**Quizzes:** The quizzes offer an opportunity to engage in legal review and analysis of scenarios in library and related settings. Be sure to always provide an explanation for your response and include citation to legal support where applicable. Monosyllabic answers will not be given credit even if correct! The quizzes are open book of course! **Quizzes should be done as a group (3-4 students); submit only one copy for the group but put the names of all group members on the document.** I will see that each of member of your group is copied on my response. The groups have been assigned and the Discussion space for each created.

Quizzes are assigned when the session material has been covered in class. The three quizzes are found at the end of this syllabus and on the course Canvas site Assignments area. Quizzes should be posted to the course site by 9:00 a.m. Eastern time on the due date below.

Quiz 1: Copyright Basics including fair use and section 108, **Due Tuesday February 23.**

Quiz 2: Patron Confidentiality and the USA PATRIOT Act, **Due Tuesday March 16.**

Quiz 3: Access Issues: Patron Codes of Conduct, Use of Public Spaces, **Due Tuesday April 6.**

As the quizzes are group exercises there will be Discussion space available for use. Students are welcome to use these spaces or any other means of communication when working on the group quiz exercises. (Note: an advantage to using the Discussion space on the course site is that this can count for participation. The instructor also monitors the group Discussion space and may comment on the course of the discussions to keep you on track.

**Final Project/Legal Critique and Analysis:** You have several options, including those described below. **The Final Project is due Tuesday April 27 by 9:00 a.m. Eastern time to the course site.**

1) Review, critique and amend an existing library policy related to the course content. Assess the legal basis for the policy elements as well as the merits of and issues raised by the policy. Indicate the legal basis for your recommendations for change as well as why other portions are sound and should not be changed. (You can craft a new policy where none exists, but this is a bit more challenging. In this variation comment on the context and need for a policy but again discuss the legal basis for the contents of the policy you compose.)

or

2) Analyze the implications of the most recent development in any case on appeal at the appellate level (state supreme court or federal Circuit) or for which a Writ of Certiorari has been granted by the U.S. Supreme Court, that would impact libraries in a significant way. Discuss and evaluate the legal merits of the case. How should the case be decided? What will be the impact on libraries, archives and related entities? What is the broader impact on society?
3) Analyze and critique the licensing agreement of your choice for a product or service of relevance to libraries. The simplest format is to use one similar to those posted on the course site, with the license provisions on the left and your assessment/explanation on the right of a two-column table. Identify the problematic as well as the amenable provisions; indicate also those provisions that should be amended and where extent those absent provisions that should be included.

For any option, spend most of your effort on thoughtful analysis and critique, be sure to discuss how the law provides a basis for your discussion. Include appropriate legal and scholarly references to your analysis where applicable.

For a review of a policy, pending legislation, license agreement a two-column approach is often useful (examples are on the course site) where the text of the document (provision by provision) is on the left-hand column and your analysis and comments are on the right-hand side. The instructor finds this method easier to compose and easier to assess as well.

A good strategy is to locate an item that poses challenges or raises issue for libraries; the worse it is the more you will have to discuss! If in doubt with your selection the instructor is available to review and measure the appropriateness of your selection for the assignment.

You may choose another option of a similar quandary (introduced legislation or proposal for legislative or policy review/reform, regulatory process, etc.) Requires instructor pre-approval!

Final Exam: This is a scenario-based test of your knowledge of the law and its application in a library setting. It will be available on Saturday April 10. It is NOT a timed exam so you may begin working on it anytime after it is posted. This is NOT a group exercise! The Final Exam is due Tuesday May 11, 9:00 a.m. Eastern time to the course site.

Rubric for Assessments and Assignments Based on Legal Subject Matters
(The Rubric can also be used as a self-evaluation throughout the semester to gauge your understanding and articulation of legal issues in libraries.)

Issue identification:
5 Identifies basic and advanced issues, anticipates potential problems in light of relevant assumptions, phrases issues in ways that indicate relevant facts and anticipate applicable precedent
4 Identifies basic and advanced issues, phrases issues in ways that indicates relevant facts and anticipates applicable precedent
3 Identifies most basic as well as some advanced issues, but fails to phrase issues in ways that incorporate the most relevant facts or anticipate applicable precedent, fails to identify most issues
2 Identifies most basic issues, fails to include advanced issues, fails to phrase issues in ways that incorporate relevant facts or anticipate applicable precedent,
1 Fails to identify few if any issues, basic or advanced

Analysis of Law or Legal Problem:
5 Same as 4 below, in addition discussion includes unresolved points within the law, can distinguish relevant from near-relevant scenarios or apply missing facts, argument and discussion organized in accordance with case (the judicial opinion) or statutory and regulatory schema or structures, integrates applicable law
Discussion of law and its application to facts is complete for most issues, multi-faceted discussion of facts and law (same facts may raise multiple issues, progressive discussion of main and sub-issues, etc.)

3 Attempts to discuss law as it applies to the facts, but discussion is singular (compare 4 above) or incomplete or unorganized (compare 5 above)

2 Attempts to explain the law but at times is incomplete, does so incorrectly or misconstrues the application of the law to the facts

1 Little explanation of law as it applies to identified facts

Identification of Law:

5 Cites relevant or on-point cases, statutes and regulations for each issue, cites and observes conflicts of law, trends in the law, or pending legislation where applicable, appropriate use of legal terms of art throughout discussion

4 Cites the majority of relevant or most relevant cases and statutes (and regulations) for each issue, at times cites and observes conflicts of law, trends in the law, appropriate use of legal terms of art, legal standards, etc. throughout discussion

3 Cites relevant or on-point cases and statutes for each issue, attempts to use legal terms of art in discussion, refers to relevant standards, etc.

2 Cites some law and uses legal terms of art, but at times cites irrelevant or less relevant law or misuses legal terms of art, misapplies standards, etc.

1 Cites little or no law, fails to use legal terms of art, standards, etc.

Conclusion and Solution:

5 In addition to 3 and 4, anticipates future problems and solutions, offers pro-active legal risk-management or avoidance responses with rationale based on applicable law

4 Same as 3 below and in addition identifies what the proper “legal” behavior should be when at variance with facts or offers corrective action based on applicable law

3 Offers conclusion as to the legality or illegality of the facts at hand and explains why the conclusion follows from the law and facts

2 Offers conclusion as to the legality or illegality of the facts at hand but statement is made with little explanation, conclusion at times clearly erroneous

1 Offers no conclusion as to the legality of the facts at hand

Mechanics: Organization and Writing Style

5 Organization coincides with the law and is consistent with legal analysis, e.g., “if-then” or “if not-then in the alternative”; formal writing is constant and discussion of facts and law is matter-of-fact

4 The logical structure is informed by law, opinions are supported by concise use and reference to argument or law; formal elements constitute a majority of the composition

3 There is a logical structure; formal tone included but not used throughout

2 Some structure is present; use of first person, contractions, etc. is absent

1 Material is presented in stream-of-consciousness fashion with no organization; the writing style is colloquial
<table>
<thead>
<tr>
<th>Issue identification:</th>
<th>Outstanding</th>
<th>Strong</th>
<th>Proficient</th>
<th>Developing</th>
<th>Not Acceptable</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>● Identifies basic and advanced issues</td>
<td>● Identifies basic and advanced issues</td>
<td>● Identifies most basic as well as some advanced issues</td>
<td>● Identifies most basic issues, fails to include advanced issues</td>
<td>● Fails to identify few if any issues, basic or advanced</td>
</tr>
<tr>
<td></td>
<td>● Phrases issues in ways that indicate relevant facts and anticipate applicable precedent</td>
<td>● Phrases issues in ways that indicate relevant facts</td>
<td>● Not all issues are phrased in ways that incorporate relevant facts or anticipate applicable precedent</td>
<td>● Some issues are phrased in ways that incorporate the most relevant facts or anticipate applicable precedent</td>
<td>● Issues fail to incorporate relevant facts or anticipate applicable precedent</td>
</tr>
<tr>
<td></td>
<td>● Includes issues that anticipate potential problems in light of relevant assumptions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Law or Legal Problem:</td>
<td>● In addition to Strong the discussion includes unresolved points within the law, can distinguish relevant from less or irrelevant facts, integrates applicable law throughout</td>
<td>● Discussion of law and its application to facts is complete for most issues, multi-faceted discussion of facts and law as same facts may raise multiple issues</td>
<td>● Attempts to discuss law as it applies to the facts, but discussion is limited or incomplete</td>
<td>● Attempts to explain the law but discussion is incomplete, does so incorrectly or misconstrues the application of the law to the facts</td>
<td>● Little explanation of law as it applies to the identified facts</td>
</tr>
</tbody>
</table>
### Identification of Law:

- **Cites relevant or on-point cases and statutes (and regulations) for each issue, cites and observes conflicts of law, trends in the law, or pending legislation where applicable, appropriate use of legal terms of art throughout discussion**
- **Cites the majority of relevant or most relevant cases and statutes (and regulations) for each issue, at times cites and observes conflicts of law, trends in the law, appropriate use of legal terms of art, legal standards, etc. throughout discussion**
- **Cites some law and uses legal terms of art, but at times cites irrelevant or less relevant law or misuses legal terms of art, misapplies standards, etc.**
- **Cites little or no law, fails to use legal terms of art, standards, etc.**

### Conclusion and Solution:

- **In addition to Proficient and Strong, anticipates future problems and solutions, offers proactive legal risk-management or avoidance responses with rationale based on applicable law**
- **Same as Proficient, in addition identifies what the proper “legal” behavior should be when at variance with facts or offers corrective action based on applicable law**
- **Offers conclusion as to the legality or illegality of the facts at hand and explains why the conclusion follows from the law and facts**
- **Offers some conclusion as to the legality or illegality of the facts at hand but statement is made with little explanation, conclusion at times clearly erroneous**
- **Offers no conclusion as to the legality of the facts at hand**
Mechanics: Organization and Writing Style

- Organization coincides with the law and is consistent with legal analysis, e.g., “if-then” or “if not-then in the alternative”
- Formal writing is constant and discussion of facts and law is matter-of-fact
- Discussion is organized in accordance with appropriate judicial, statutory and regulatory schema
- The logical structure is informed by law, opinions are supported by concise use and reference to argument or law
- Formal elements constitute a majority of the composition
- There is a logical structure
- Formal tone appears but not used throughout
- Some structure is present
- Use of first person, contractions, etc. is absent
- Material is presented in stream-of-consciousness fashion with no organization

The writing style is colloquial

Learning Outcomes

<table>
<thead>
<tr>
<th>Upon completion of this course, students will</th>
<th>RBT</th>
<th>PGPL</th>
<th>PLO</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understand the nature and scope of legal problems arising in the operation of the library</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1, 2, 3</td>
</tr>
<tr>
<td>Identify the responsibilities that library and information professionals have in executing current law and the opportunities available to effect necessary change</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>2, 3</td>
</tr>
<tr>
<td>Evaluate current legal responses to such problems and envision alternative responses, both legal and non-legal, in light of sound information concepts</td>
<td>3</td>
<td>3</td>
<td>7</td>
<td>2, 3, 4</td>
</tr>
<tr>
<td>Express, consistent with professional responsibility, views and opinions concerning the legal problems in the library and information sciences</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>1, 4</td>
</tr>
</tbody>
</table>
Upon completion of this course, students will:

| Locate and evaluate primary and secondary legal material regarding legal issues in the library, understanding their value as a professional decision-making resource | 2 | 1 | 6 | 1, 2, 3, 4 |
| Apply existing legal tenets to various library environments and develop practical compliance strategies for those organizations. | 3 | 3 | 4 | 2, 3, 4 |

Assessments: Participation (1), Quizzes (2), Final Exam (3), and Final Project (4).

Revised Bloom’s Taxonomy (RBT)

1. **Knowledge/Remembering**: The ability to recall or recognize specific information or data.
2. **Understanding**: Understanding the meaning of informational materials, translation, interpolation and interpretation of instructions and problems.
3. **Application**: The use of previously learned information in new and concrete situations to solve problems that have single or best answers.
4. **Analysis**: Breaks down information/concepts into smaller components. Each component is identified and understood as is the relationship of these components to the whole.
5. **Evaluation**: The ability to apply a criterion or set of standards to conclude a value judgment.
6. **Creation, Synthesis**: The ability to merge knowledge into creating a new meaning or structure including demonstrating how and why various diverse elements work together.

Principles of Graduate and Professional Learning (PGPL)

1. Demonstrate the knowledge and skills needed to meet disciplinary standards of performance, as stated for each individual degree – **Major emphasis**
2. Communicate effectively with their peers, their clientele, and the public – **Moderate emphasis**
3. Think critically and creatively to improve practice in their field – **Some emphasis**
4. Meet all ethical standards established for the discipline

LIS Program Learning Outcomes (PLO)

1. Connect core values and professional ethics to practice
2. Facilitate engagement in the information ecosystem
3. Curate collections for designated communities
4. Lead and manage libraries, archives and other information organizations
5. Organize and represent information
6. Conduct systematic research to inform decisions
7. Innovate professional practice with information services and technology
# Course Schedule

## Calendar of Topics:

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<thead>
<tr>
<th>Session</th>
<th>Week(s) of…</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Session 1</td>
<td>January 18 and 25, February 1 and 8</td>
<td>Introduction, Copyright Basics and Fair Use</td>
</tr>
<tr>
<td>Session 2</td>
<td>February 15</td>
<td>Sections 108, 110 and other applications</td>
</tr>
<tr>
<td>Session 3</td>
<td>February 22 and March 1</td>
<td>DMCA and Licensing</td>
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<tr>
<td>Session 4</td>
<td>March 8</td>
<td>Patron Confidentiality and the USA PATRIOT Act</td>
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<tr>
<td>Session 5</td>
<td>March 15 and 22</td>
<td>Access Issues: Patron Conduct Codes, Use of Public Spaces</td>
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<tr>
<td>Session 6</td>
<td>March 29 and April 5</td>
<td>First Amendment in Collections</td>
</tr>
<tr>
<td>Session 7</td>
<td>April 5 and 12</td>
<td>First Amendment: Online Applications, Public Employee Speech on Social Media</td>
</tr>
<tr>
<td>Session 8</td>
<td>April 19 and 26</td>
<td>Information Torts and Professional Liability</td>
</tr>
</tbody>
</table>
LEGAL ISSUES FOR LIBRARY AND INFORMATION MANAGERS

Session 1  Copyright Basics and Fair Use

Lectures: Listen to the mp4 recordings on the course site.
Tomas A. Lipinski, A Functional Approach to Understanding and Applying Fair Use, in 45 ANNUAL REVIEW OF INFORMATION SCIENCE AND TECHNOLOGY (ARIST) 525 (Blaize Cronin, ed. 2010) (pp. 525-621).
U.S. COPYRIGHT OFFICE, CIRCULAR 21: REPRODUCTION OF COPYRIGHTED WORKS BY EDUCATORS AND LIBRARIANS, as appropriate.
TOMAS A. LIPINSKI, COPYRIGHT ISSUES IN THE DISTANCE EDUCATION CLASSROOM 155-188 (2005), Chapter 7 (Fair use of copyrighted material in the distance education classroom).
Cases: Authors Guild, Inc. v. HathiTrust, 755 F.3d 87 (2d Cir. 2014).
Documents: Legal Risk Assessment.
User Obligations: Compliance Tools and Enacting Legislation.
Fair Use Cases List with Summaries.
PowerPoint slides: Understanding the U.S. Legal System.
Copyright Basics.
Fair Use.
Tasks: Read, review and listen to course content, ask questions, offer answers and solutions.
Due: None.
Discussion questions:
From the perspective of risk, considering both copyright holders and users of content protected by copyright; is it preferable to have a statutory limitation on the exclusive rights of owners or a damage remission provision?
Which fair use factor is most important?
Which fair use factor(s) is under the control of the user?
In your opinion what is the most surprising aspect of fair use?
Based your experience, what is the biggest misconception regarding fair use?
By the end of this Topic you should be able to…
- articulate the questions to ask and factors to consider when assessing legal risk in copyright,
- explain the four fair use factors and how each is applied,
- understand the interrelationship among the four fair use factors,
- understand the recent trends in fair use litigation,
- undertake a fair use analysis of a set of facts in light of current law, and
- based on analysis offer alternatives or adjustments to make an unfair use fair.
Session 2  Copyright: Section 108, 110 and other applications

Lectures: Listen to the mp4 recordings on the course site.


U.S. COPYRIGHT OFFICE, CIRCULAR 21: REPRODUCTION OF COPYRIGHTED WORKS BY EDUCATORS AND LIBRARIANS, as appropriate.

TOMAS A. LIPINSKI, COPYRIGHT ISSUES IN THE DISTANCE EDUCATION CLASSROOM 35-154 (2005), Chapters 2-6.


Copyright Rental Amendment Act of 1990 Senate Report.

Copyright Compliance Q&A.

DMCA Senate Report excerpt on 108 amendments.

H.R. Conference Report 107-685.


PowerPoint slides: Understanding the Recent Case Law: Kirtsaeng and Redigi, Inc.

Section 108 Summary and Reform.

Copyright in the Classroom (and More).

Tasks: Read, review and listen to course content, ask questions, offer answers and solutions.

Due: Submit Quiz 1 by 9:00 a.m., Tuesday February 23, Eastern time to the course site.

Discussion questions:

How important is the first sale right in our economy?

Should there be a digital first sale right for users?

When is permission necessary for public distributions, i.e., when will section 109 not apply?

Are mass digitization projects allowed under section 108?

What are the significant limitations of the current iteration of section 108?

What is the most important benefit of section 108?

Are all education uses allowed under section 110; can you identify some uses within a school or on campus here at IUPUI that would not be covered by section 110?

What is the impact of subsection (3) for the weekly service of a religious congregation, of subsection (4) on the holiday concert of the local community choir, and of subsections (4) and (5) on a library that plays television or cable stations on a wall mounted screen?

By the end of this Topic you should be able to...

-explain and apply the statutory exceptions in subsections of section 109,

-considering the first sale doctrine and subsection 109(d), articulate the difference between ownership and possession of a copy or phonorecord of a protected work, and understand the impact of this distinction;

-identify public displays that are allowed under section 109(c),

-explain the operation of section 108 in a variety of scenarios,

-understand the interlibrary loan, institutional and patron copying provisions of section 108,

-understand the shortcomings or drawbacks of section 108,

-understand the rights of educators and students in a “classroom” setting, and

-determine when a public performance is allowed (the limitation on the exclusive rights of the owner is available) and when a license or other permission must be obtained.
Session 3  Digital Issues: DMCA and Licensing

Lectures: Listen to the mp4 recordings on the course site.
Duncan E. Alford, Negotiating and Analyzing Electronic License Agreements, 94 LAW LIBRARY JOURNAL 621 (2002).
Douglas v. Talk America, Inc., 495 F.3d 1062 (9th Cir. 2007).
Vernor v. Autodesk, Inc., 621 F.3d 1102 (9th Cir. 2010).
UMG Recordings, Inc. v. Augusto, 628 F.3d 1175 (9th Cir. 2011).
83 FEDERAL REGISTER 54028 (Oct. 26, 2018).
Documents: Section 1201 Summary.
Section 512 Summary.
Copyright Compliance Q&A.
License Agreement Walk-Through II: ProQuest and Wiley database agreements.
License Agreement Walk-Through III: Kindle service agreement.
Sorting out Rights and Licenses in Musical Works and Sound Recordings.
PowerPoint slides: Circumvention and Fair Use (and Damages).
Copyright Management Information.
Section 512 Powers and Limits.
Copyright Reform in the Digital Age.
Licensing Pitfalls.
Understanding Terms and Conditions in Licensing Agreements.
Sorting out Performance Rights.
Tasks: Read, review and listen to course content, ask questions, offer answers and solutions.
Due: None.
Discussion questions:
Must content protected by the anti-circumvention provisions be digital, what is another significant requirement that must be met before the Technological Protection Measure is protected from circumvention?
How does violation of the trafficking prohibitions of section of section 1201 differ from copyright infringement?
Must Copyright Management Information (CMI) be in digital form to be protected?
Is metadata CMI?
In your opinion is the three-year cycle of rule-making for granting additional exception to anti-circumvention a viable method for determining exceptions and should other exceptions exist either codified or as part of the regulatory scheme?
Must content be infringing before it can be taken down or access to it disabled under section 512?
How would you improve or amend section 512?
Does the statute require users be informed of their ability to submit a counter-notification?
Are shrink-wrap contracts valid?
Are choice of law and choice of forum provisions valid?
Can use of an online service or website alone constitute “assent” for purposes of contract formation?
What is the difference between a click-wrap and browse-wrap agreement?
What are material terms in a contract and what might be a material term in a software license and in a cloud computing or similar service TOS (Terms of Service)?
In a database or other license for content, what are 2-5 essential provisions that must be included from the library’s perspective?
When are changes to a license enforceable and under what circumstances can changes be made unilaterally?
What sorts of warranties are typically disclaimed in most license agreements?
Should there be limits on what can be licensed; should we prohibit shrink-wrapped books, we have e-books?

By the end of this Topic you should be able to...
- understand the controversial aspects of section 1201,
- identify content that qualifies as CMI,
- understand the difference between circumvention and trafficking,
- describe the requirements of a valid take-down request,
- identify the shortcomings of section 512,
- understand the subpoena standards and restoration mechanisms of section 512,
- identify the various forms of online contracts such as mass-market or consumer agreements, shrink-wrap, click-wrap and browse-wrap agreement,
- determine the “default” rules that are used to determine the jurisdiction of any disputes under an online contract,
- distinguish between conditions and covenants in a license agreement,
- identify a license provision by its legal name,
- understand the legal meaning of license provisions,
- identify the provisions in a license alter the rights that a user would have if the content was governed by the copyright law,
- identify common provisions in a database or other content agreement,
- distinguish between conditions and covenants in a license agreement,
- identify license provisions by common legal name,
- understand the legal meaning of license provisions,
- identify common provisions in a software EULA or other agreement,
- articulate the policy goals behind the first sale doctrine (and the copyright law in general) and the challenges that licensing poses for those goals, and
- consider the primacy of the freedom to contract in our legal system and the negative impact this primacy may portend.
Session 4  Confidentiality in the Library and the USA PATRIOT

**Lectures:** Listen to the mp4 recordings on the course site.

Lee S. Strickland, Mary Minow, and Tomas A. Lipinski, Patriot in the Library: Management Approaches When Demands for Information Are Received from Law Enforcement and Intelligence Agents, 30 NOTRE DAME JOURNAL OF COLLEGE AND UNIVERSITY LAW 363 (2004).


**Statutes:** Wis. Stats. § 19.32; Wis. Stat. § 19.80; Wis. Stats. § 43.30; Wis. Stats. § 895.035; 75 ILCS § 70/1; IC 5-14-3-4(b)(16).

**Documents:** NA.

**PowerPoint slides:** Privacy in the Library.
US FREEDOM Act 2015 and re-authorization.

**Tasks:** Read, review and listen to course content, ask questions, offer answers and solutions.

**Due:** Submit Quiz 2 by 9:00 a.m., Tuesday March 16, Eastern time to the course site.

**Discussion questions:**
Is a reference interview a protected library “record” in Wisconsin, in Illinois, in Indiana?
What if the librarian takes notes, is it a record, are the contents protected?
What information, if any, could the parent be told regarding the circulation record, the observed reading habits, or the information seeking behavior of their child, is the answer different in a school library?
Can a family member pick up a hold item for another family member, what about student retrieval of a faculty request?
If the police came to the library and ask if library patron John Smith is in the library and you are staffing the reference desk, how should you answer?
What if the police point to an individual and ask what they were reading or doing in library earlier during your shift, how should you answer?
In a post USA PATRIOT Act library, do state library confidentiality statutes still play a role, if so, what is the legal significance of such statutes?

**By the end of this Topic you should be able to...**
- distinguish between a verbal communications and recollections and “record” protected under a state library privacy statute,
- understand the application and limits of state library privacy statutes, especially that of your home state, and
- respond to law enforcement and other requests for information regarding a patron’s use of public library spaces, services or materials.
Session 5  Access Issues: Patron Conduct Codes, Use of Public Spaces

Lectures: Listen to the mp4 recordings on the course site.
Cases: Make the Road by Walking, Inc. v. Turner, 378 F.3d 133 (2d Cir. 2004).
Pfeifer v. City of West Allis, 91 F. Supp. 2d 1253 (E.D. Wis. 2000).
Documents: Libraries, the Courts and the Public Forum Doctrine.
PowerPoint slides: Understanding the Public Forum Doctrine and Constitutional Levels of Scrutiny of Review.
The Courts and Public Library Meeting Rooms.
Applying the Law to Public Library Informational Spaces.
Regulating Patron Conduct in the Public Library.
Liberty Interests and the Public Library: Crafting Processes and Penalties.
Tasks: Read, review and listen to course content, ask questions, offer answers and solutions.
Due: Submit Quiz 3 by 9:00 a.m., Tuesday April 6, Eastern time to the course site.
Discussion questions:
Consider the provisions of a behavior policy in your public library; identify its legal basis.
At this point, do you think there is a difference between a patron’s presence in the library and the actual collection of the library under the public forum doctrine, and why is this distinction important?
What is the difference between a compelling state interest and a significant state interest; can you give an example of each?
Can religious groups be denied permission to use a public library meeting room?
What some RTPM (Reasonable Time, Place and Manner) restrictions that can be imposed on use of public display cases and library meeting rooms?
Consider the display cases, bulletin boards, or similar spaces in your public library; what standards apply in determining the nature of these spaces and what is your assessment?
Can a public library change its policy regarding the use of its spaces to avoid controversy?
Discuss any experience you may have with “unruly” patrons, what is your library’s planned response?
What limits can a public library place on the use of its public spaces by patrons?
What sort of evidence can demonstrate that a patron exuding a strong order constitutes a nuisance; would employing the use of the Nasal Ranger be useful (http://www.nasalranger.com/)?
By the end of this Topic you should be able to…
-identify and apply the factors used in characterizing particular spaces in a public library,
-determine when and how the various level of constitutional review are applied,
-identify the justifications that satisfy the various levels of constitutional review (compelling interest, significant interest, and rational/reasonable basis) and use these distinctions in policy design,
-identify the sorts of activities that can and cannot be prohibited in a public library meeting room,
-understand when an entanglement issues arise under the Establishment Clause and when it does not,
-be able to craft a policy that designates the public library meeting room as a limited public forum under the criteria of the public forum doctrine,
-understand the factors considered to determine whether restrictions in a non-public forum are constitutionally permissible,
-understand the level of constitutional review applicable to regulations on patron conduct,
-identify elements of a code of conduct that will satisfy a compelling interest and significant state interest, and a rational or reasonable basis, and
-understand the due process elements that must be satisfied when imposing restrictions on a patron’s access, i.e., banning a patron from the public library.
Session 6  First Amendment in Collections

**Lectures:** Listen to the mp4 recordings on the course site.


Monteiro v. Tempe Union High School District, 158 F. 3d 1022 (9th Cir. 1998).

**Statutes:** Wis. Stats. § 944.21 (Obscenity); Wis. Stats. § 948.11 (Harmful to Minors); Wis. Stats. § 948.12 (Child Pornography).  
720 ILCS 5/11-20 (Obscenity); 720 ILCS 5/11-21 (Harmful to Minors); 720 ILCS 5/11-20.1 (Child Pornography).  
IC 35-48-2-1 (Obscenity); IC 35-48-2-2 (Harmful to Minors); IC 35-42-4-4 (Child Pornography). (Or locate corresponding statute from your home jurisdiction on obscenity, indecency and child pornography.)  

**Documents:** NA.

**PowerPoint slides:** Content Challenges in Public School and Public Libraries: Lessons from the Case Law.

**Tasks:** Read, review and listen to course content, ask questions, offer answers and solutions.

**Due:** None.

**Discussion questions:**

How would the images at issue in the *Bellospirito* ([http://www.artistrights.info/decision_bellospirito-v-manhasset-public-library](http://www.artistrights.info/decision_bellospirito-v-manhasset-public-library)) meeting room case would be characterized under Wisconsin, Illinois or Indiana obscenity or harmful to minors statutes?

What distinctions did the United Supreme Court draw in the *Pico* case between the curriculum versus school library content choices and between school libraries and public libraries?

The lead plurality opinion focused upon the motive behind a removal decision, what evidence might there be of tainted motives in either a public library or a public school library?

What do the *Pico* and *Case* decisions suggest about the role of collection or reconsideration policies and their committees; what did the library board or administrators do wrong in each case?

What impact if any does the *Monteiro* decision have for using or collecting controversial materials that some may not find quite “PC” in libraries or schools, why is there legal support for a broad array of materials in both public and school libraries?

Do patrons have a right to remove materials from libraries; do patrons have a right to add materials to libraries through gift or request?

What do the cases suggest about the nature of the collection in a public library, in terms of the public forum doctrine?

**By the end of this Topic you should be able to…**

- identify the permissible content standards to use when reconsidering the selection of library material,
- articulate the proper processes to follow in reconsidering public library or public school library material,
- employ permissible standards for consideration of gift or relocation of public library material, and
- understand how to craft and honor parental permissions regarding access and use of content by minors in a public library or public school library.
Session 7  First Amendment Online

**Lectures:** Listen to the mp4 recordings on the course site.


**Cases:** United States v. American Library Association, 539 U.S. 194 (2003) (PLEASE READ THIS CASE!).

**Statutes:** 47 U.S.C. § 230.

**Documents:** Congress, the Courts and Free Speech.

**PowerPoint slides:** Issues in Public Library and Public School Library Filtering and Unblocking. Regulation and Free Speech of Public (Library) Employees.

**Tasks:** Read, review and listen to course content, ask questions, offer answers and solutions.

**Due:** None.

**Discussion questions:**
- How did the Loudoun court characterize the use of filtering software, i.e., is it more like a book removal or more like a decision not to purchase, what were the court’s reasons, do you agree or disagree?
- Is there another analogy that is better representative of the filtering process?
- How is collection development characterized by the various justices in the CIPA (U.S. Supreme Court) decision; Which Justice seems to have the better handle on the practices of librarians?
- What would be the legal response if a parent sued the library for NOT using filters, i.e., that their child was exposed to harmful or dangerous material at taxpayer expense?
- Can a library decide not to filter but have a policy that uses staff monitoring to prohibit patrons from accessing controversial sites; would this be consistent with the Supreme Court’s plurality decision in the CIPA case?

**By the end of this Topic you should be able to…**
- Respond to a library patron’s request for filter unblocking or disabling that comports with Constitutional standards,
- Characterize access to the internet in a public library under the public forum doctrine, and
- Understand how the decision in the CIPA case can help libraries control the content on its website.
Session 8  Information Torts and Liability

Lectures: Listen to the mp4 recordings on the course site.

Emma Wood, Choose Your Own Adventure: Alternatives to Legal Advice, PUBLIC LIBRARIES, March/April, at 7 (2018) (pp. 7-10).
Gabe Johnson-Karp, Returning to First Principles? Governmental Immunity in Wisconsin, WISCONSIN LAWYER, April, 2014 (pp. 30-36).


Wis. Stat. § 893.80.
745 ILCS 10/2-210; 705 ILCS 505/22-1.
IC 34-13-3-6.

Documents: Tort and Negligence Statutes and Restatements.

Defamation Development and Background.

PowerPoint slides: The Regulation of Dangerous Content in the United States: Lessons from the Media and Video Game Controversies.
Defamation and the Challenge of the Reviewer.
Professional Liability Concepts in Public Library Settings.
Tort Immunity and Negligence in the Seventh Circuit.
3D Printing Technologies in U.S. Libraries: Managing Legal Risk beyond Copyright Infringement.

Tasks: Read, review and listen to course content, ask questions, offer answers and solutions.

Due: The Final Project is due Tuesday April 27 by 9:00 a.m., Eastern time to the course site.

Discussion questions:
Is a library responsible for defamatory messages posted on its website, bulletin board or online catalog by patrons?
Can a librarian be sued for their defamatory postings made on a blog or listserv?
When, if ever, are publishers responsible for erroneous or dangerous materials they produce?
Are libraries responsible for the “harmful” content patrons access from on the Internet on library terminals or using the wifi at the library or found in the collections of the library?
What “statement,” if any does the library’s decision to purchase make about the veracity or quality of content in the library; and how does your answer square with the principles of collection development?
If the correct information is available in the library, but the librarian fails to access it in some way or provides the wrong answer (outdated or superseded, for example), if the librarian or library responsible?
Can you think of situations in which a librarian’s “incorrect” response would cause injury, and when reliance on that incorrect response might be deemed by a court to be reasonable, think of your own experience in the library (from either side of the reference desk)?

By the end of this Topic you should be able to…
-Understand the intersection of First Amendment and tort law as it relates to information claimed or deemed harmful,
-Articulate the standards for writing book, product and other reviews that are not defamatory,
-Understand the legal protection afforded by federal law for legal harms emanating from third parties,
-Articulate general concept of negligence and malpractice,
- Understand general principles of governmental immunity, and
- Avoid the unauthorized practice of medicine or law when dispensing medical and legal reference assistance.

Submit the Final Exam by Tuesday May 11 by 9:00 a.m., Eastern time to the course site.

EXPECTATIONS, GUIDELINES, AND POLICIES

Deliverables

You are responsible for completing each deliverable (e.g., task, final project) by its deadline and submitting it by the specified method. Deadlines and submission instructions are outlined in the syllabus or in supplementary documents accessible through Canvas. In fairness to the instructor and students who completed their work on time, a grade on a deliverable shall be reduced 10%, if it is submitted late and a further 10% for each 24-hour period it is submitted after the deadline.

Note: As most of the content on the course site consists of legal material, The Bluebook: A Uniform System of Citation (21st ed. 2020), is an acceptable and perhaps more useful guide for citing both primary and secondary legal material. https://www.legalbluebook.com/.

Cases, statutes, legislative history and regulations should conform to the Bluebook. Please do not fret, there is no need to learn a new citations system. Merely use the citations as each appears in the course learning objects.

For citation purposes, all MLIS students use the 7th edition of the Publication Manual of the American Psychological Association. This publication will help you structure your writing artifacts (e.g., research papers), write clearly and concisely, follow grammatical rules, and appropriately attribute source material. The Department of Library and Information Science values and expects quality, graduate-level writing.


Your Questions, Concerns, and Comments

Please do not hesitate to contact the instructor directly via Canvas mail with any questions. If needed, the instructor will also use Canvas Announcements to notify the entire group (e.g., syllabus change, instructor availability, etc.). You may also use my main email: tlipinsk@uwm.edu. Please
include “S604 student at IUPUI” in the subject line. You can also call or text me (including “S604 student at IUPUI” along with your text: 414-544-2205.

Note: I am usually on email throughout the day, lesser on the weekends but still checking and on Canvas at least once or twice a day but I am on Central Time. There are two or three weeks when the overseas time zones will be 6 or 7 hours ahead of the Eastern time zone (depending on the start of Daylight Savings) so the time of my response will be adjusted to when it is daytime for me; also I will not be checking email or Canvas as frequently but at least once a day. Also note that while in transit I am in the air flying 20-plus hours in two segments; so during these portions of the travel it might be best to expect that email and Canvas may not checked until 24-36 after departure until arrival at my destination. An announcement will be posted on the Canvas site for the days affected.

If you have problems accessing Canvas, please contact the University Information Technology Services (UITS) Support Center at uits.iupui.edu or 317-274-HELP. All course Announcements will be found in Canvas along with the course schedule, assignments, and other course documents.

**Attendance**

The course will be taught entirely online including web-based readings and resources, threaded discussions, plus online presentations and activities.

This course assumes that students can work independently. There are no required face-to-face meetings. There are no required synchronous online meetings. However, students are encouraged to e-mail or arrange an online chat with the instructor at any time.

A basic requirement of this course is that you will participate in all class activities and conscientiously complete all required course assignments. Students are expected to complete the assignments, quizzes, and projects on time, which is your attendance.

**Incompletes**

Incompletes are not automatically granted. You may arrange a grade of “I” or incomplete for a course with an instructor for special circumstances. Students need to have completed the majority of course work (75%+) at an acceptable level of achievement. You and the instructor must agree upon the terms for completing the course. Students who have multiple incompletes (2 or more) will be blocked from registering for additional LIS courses until there is only one (or zero) outstanding incomplete, or the student presents the department chair with a plan of action for completing all incompletes in a timely way.

Deadlines for the work for an incomplete to be finished are at the instructor’s discretion. The deadline can be no longer than 1 year from the end of the semester, but can be earlier if the instructor specifies that. Left unchanged, an Incomplete automatically becomes an F after one year. See: Student Central: Incompletes (studentcentral.iupui.edu/grades-progress/incompletes.html)
## GRADING SCALE

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
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<tbody>
<tr>
<td>A (100% to 96%)</td>
<td>Outstanding achievement. Student performance demonstrates full command of the course materials and evinces a high level of originality and/or creativity that far surpasses course expectations.</td>
</tr>
<tr>
<td>A- (95.9% to 90%)</td>
<td>Excellent achievement. Student performance demonstrates thorough knowledge of the course materials and exceeds course expectations by completing all requirements in a superior manner.</td>
</tr>
<tr>
<td>B+ (89.9% to 87%)</td>
<td>Very good work. Student performance demonstrates above-average comprehension of the course materials and exceeds course expectations on all tasks as defined in the course syllabus.</td>
</tr>
<tr>
<td>B (86.9% to 84%)</td>
<td>Good work. Student performance meets designated course expectations, demonstrates understanding of the course materials, and performs at an acceptable level.</td>
</tr>
<tr>
<td>B- (83.9% to 80%)</td>
<td>Marginal work. Student performance demonstrates incomplete understanding of course materials.</td>
</tr>
<tr>
<td>C+ through C- (79.9 % to 70%)</td>
<td>Unsatisfactory work. Student performance demonstrates incomplete and inadequate understanding of course materials. An incomplete may be granted under special circumstances.</td>
</tr>
<tr>
<td>D through F (69.9 % &gt;)</td>
<td>Student has failed the course. An incomplete is not an available option.</td>
</tr>
</tbody>
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Note that to satisfy a core requirement, grade must be B- or above. For electives, grade must be C or above (and overall GPA 3.0 or above).

Grades will be assigned based on the IUPUI grading scale.

- A+ 97–100% Professional level work, showing highest level of achievement
- A 93–96.99% Extraordinarily high achievement, quality of work; shows command of the subject matter
- A– 90–92.99% Excellent and thorough knowledge of the subject matter
- B+ 87–89.99% Above average understanding of material and quality of work
- B 83–86.99% Mastery and fulfillment of all course requirements; good, acceptable work
- B– 80–82.99% Satisfactory quality of work
- C+ 77–79.99% Modestly acceptable performance and quality of work
- C 73–76.99% Minimally acceptable performance and quality of work
- C– 70–72.99% Unacceptable work (Core course must be repeated for credit)
- D+ 67–69.99% Unacceptable work (Course must be repeated for credit)
- D 63–66.99% Unacceptable work
- D– 60–62.99% Unacceptable work
- F Below 60 Unacceptable work
No credits are granted for a grade below C.

**MLIS PROGRAM OUTCOMES**

The Master of Library Science (M.L.S.) program prepares students to become reflective practitioners who connect people and communities with information. Upon completion of the M.L.S. program, graduates are prepared to meet the program outcomes.

See [M.L.I.S. Program goals](soic.iupui.edu/lis/master-library-science/learning-outcomes/)

**ALA CORE COMPETENCIES**

A person graduating from an ALA-accredited master’s program in library and information studies should know and, where appropriate, be able to meet the ALA standards.

See: [ALA Core Competences of Librarianship](www.ala.org/educationcareers/sites/ala.org.educationcareers/files/content/careers/corecomp/corecompetences/finalcorecompstat09.pdf)

**CODE OF CONDUCT**

All students should aspire to the highest standards of academic integrity. Using another student’s work on an assignment, cheating on a test, not quoting or citing references correctly, or any other form of dishonesty or plagiarism shall result in a grade of zero on the item and possibly an F in the course. Incidences of academic misconduct shall be referred to the Department Chair and repeated violations shall result in dismissal from the program.

All students are responsible for reading, understanding, and applying the Code of Student Rights, Responsibilities and Conduct and in particular the section on academic misconduct. Refer to [The Code of Student Rights](studentcode.iu.edu/)

All students must also successfully complete [How to Recognize Plagiarism: Tutorials and Tests](plagiarism.iu.edu).

You must document the difference between your writing and that of others. Use quotation marks in addition to a citation, page number, and reference whenever writing someone else’s words (e.g., following the Publication Manual of the American Psychological Association). To detect plagiarism instructors apply a range of methods.

**Academic Misconduct**
1. **Cheating:** Cheating is considered to be an attempt to use or provide unauthorized assistance, materials, information, or study aids in any form and in any academic exercise or environment.
   
a. A student must not use external assistance on any “in-class” or “take-home” examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, calculators, computers, and wireless communication devices.
b. A student must not use another person as a substitute in the taking of an examination or quiz, nor allow other persons to conduct research or to prepare work, without advanced authorization from the instructor to whom the work is being submitted.
c. A student must not use materials from a commercial term paper company, files of papers prepared by other persons, or submit documents found on the Internet.
d. A student must not collaborate with other persons on a particular project and submit a copy of a written report that is represented explicitly or implicitly as the student’s individual work.
e. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on fieldwork.
f. A student must not steal examinations or other course materials, including but not limited to, physical copies and photographic or electronic images.
g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor or program to whom the work is being submitted.
h. A student must not, without authorization, alter a grade or score in any way, nor alter answers on a returned exam or assignment for credit.

2. **Fabrication:** A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citation to the sources of information.

3. **Plagiarism:** Plagiarism is defined as presenting someone else’s work, including the work of other students, as one’s own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged, unless the information is common knowledge. What is considered “common knowledge” may differ from course to course.
   
a. A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures of another person without acknowledgment.
b. A student must give credit to the originality of others and acknowledge indebtedness whenever:
   
   ▪ directly quoting another person’s actual words, whether oral or written;
   ▪ using another person’s ideas, opinions, or theories;
   ▪ paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
   ▪ borrowing facts, statistics, or illustrative material; or
   ▪ offering materials assembled or collected by others in the form of projects or collections without acknowledgment
c. **Interference:** A student must not steal, change, destroy, or impede another student’s work, nor should the student unjustly attempt, through a bribe, a promise of favors or threats, to affect any student’s grade or the evaluation of academic performance. Impeding another student’s work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.

d. **Violation of Course Rules:** A student must not violate course rules established by a department, the course syllabus, verbal or written instructions, or the course materials that are rationally related to the content of the course or to the enhancement of the learning process in the course.

e. **Facilitating Academic Dishonesty:** A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct, nor allow another student to use his or her work or resources to commit an act of misconduct.

**OTHER POLICIES**

1. **Administrative withdrawal:** A basic requirement of this course is that students complete all required course activities. If a student is unable to attend, participate in, or complete an assignment on time, it is the student’s responsibility to inform the instructor. If a student misses more than half of the required activities within the first 25% of the course without contacting the instructor, the student may be administratively withdrawn from this course. Administrative withdrawal may have academic, financial, and financial aid implications. Administrative withdrawal will take place after the full refund period, and a student who has been administratively withdrawn from a course is ineligible for a tuition refund. Contact the instructor with questions concerning administrative withdrawal. Learn more at [IUPUI Administrative Withdrawal Policy](studentcentral.iupui.edu/register/administrative-withdrawal.html)

2. **Civility:** To maintain an effective and inclusive learning environment, it is important to be an attentive and respectful participant in all course exercises. IUPUI nurtures and promotes “a campus climate that seeks, values, and cultivates diversity in all of its forms and that provides conditions necessary for all campus community members to feel welcomed, supported, included, and valued” (IUPUI Strategic Initiative 9). IUPUI prohibits “discrimination against anyone for reasons of race, color, religion, national origin, sex, sexual orientation, marital status, age, disability, or veteran status” (Office of Equal Opportunity). Profanity or derogatory comments about the instructor, fellow students, invited speakers, or any members of the campus community shall not be tolerated. A violation of this rule shall result in a warning and, if the offense continues, possible disciplinary action.

3. **Communication:** For online courses, the instructor or teaching assistant should respond to emails within two Indiana University working days, which excludes weekends and holidays. The instructor should accept appointments for face-to-face, telephone, or teleconferenced meetings, and announce periods of extended absence in advance.

4. **Conferences:** To present research at an academic conference as speaker is commendable and aligns with the educational and research mission of the school and university. However,
instructors can only provide accommodations for absences if a student is presenting work, such as a paper or poster, or is supported by a school or campus-level scholarship. The student should request from the instructor accommodation for an absence as soon as possible upon paper, poster, or scholarship acceptance. In the request for accommodation for absence, the student should provide supporting documentation of acceptance as well as confirmation from their mentor or campus sponsor that the presentation is to meet a research, educational, or diversity objective. Permission is granted at the discretion of the instructor. Students should not expect an exception for nonacademic conferences or conferences at which the student is not presenting as speaker. Travel arrangements should not be made until the student has received permission from the instructor.

5. **Counseling and Psychological Services (CAPS):** Students seeking counseling or other psychological services should contact the CAPS office at 274-2548 or capsindy@iupui.edu. For more information visit the CAPS website (iupui.edu/health-wellness/counseling-psychology/)

6. **Course evaluations:** Course evaluations provide vital information for improving the quality of courses and programs. Students are not required to complete a course or instructor evaluation for any section in which they are enrolled at the School of Informatics and Computing. Course evaluations are completed in Canvas (Course Questionnaire). Course evaluations are open from the eleventh week. Course evaluations are anonymous, which means that no one can view the name of the student completing the evaluation. In addition, no one can view the evaluation itself until after the instructor has submitted the final grades for the course. In small sections, demographic information should be left blank, if it could be used to identify the student.

7. **Disabilities policy:** In compliance with the Americans with Disabilities Act (ADA), all qualified students enrolled in this course are entitled to reasonable accommodations. Please notify the instructor during the first week of class of accommodations needed for the course. Students requiring accommodations because of a disability must register with Adaptive Educational Services (AES) and complete the appropriate AES-issued before receiving accommodations. Students with learning disabilities for which accommodations are desired should contact the Adaptive Educational Services office on campus, and inform the instructor as soon as possible: Adaptive Educational Services (AES) (diversity.iupui.edu/offices/aes/index.html), or 317-274-3241.

8. **Email:** Indiana University uses your IU email account as an official means of communication, and students should check it daily. Although you may have your IU email forwarded to an outside email account, please email faculty and staff from your IU email account.

9. **Emergency preparedness:** Know what to do in an emergency so that you can protect yourself and others. For more information, visit the emergency management website at Protect IU (protect.iu.edu/emergency-planning/emergency-contact/iupui.html).

10. **University policies:** Numerous policies governing IU faculty and students may be found at University Policies (policies.iu.edu/categories/academic-faculty-students.html).

11. **No class attendance without enrollment.** Only those who are officially enrolled in this course may attend class unless enrolled as an auditor or making up an Incomplete by prior arrangement with the instructor. This policy does not apply to those assisting a student with a documented disability, serving in an instructional role, or administrative personnel. See Register: Get ready to take classes (studentcentral.iupui.edu/register/index.html).
12. **Religious holidays:** Students seeking accommodation for religious observances must submit a request form to the course instructor by the end of the second week of the semester. For information visit [You have the right to observe religious holidays](studentcentral.iupui.edu/calendars/holidays/index.html).

13. **Right to revise:** The instructor reserves the right to make changes to this syllabus as necessary and, in such an event, will notify students of the changes immediately.

14. **Sexual misconduct:** IU does not tolerate sexual harassment or violence. For more information and resources, visit [Stop Sexual Violence](stopsexualviolence.iu.edu/)

15. **Student advocate:** The Office of Student Advocacy and Support assists students with personal, financial, and academic issues. The Student Advocate is in the Campus Center, Suite 350, and may also be contacted at 317 274-4431 or studvoc@iupui.edu. For more information visit [Office of Student Advocacy and Support](studentaffairs.iupui.edu/advocacy-resources/index.html).

**MISSION STATEMENT**

The Mission of IUPUI is to provide for its constituents excellence in

- Teaching and Learning;
- Research, Scholarship, and Creative Activity; and
- Civic Engagement.

With each of these core activities characterized by

- Collaboration within and across disciplines and with the community;
- A commitment to ensuring diversity; and
- Pursuit of best practices.

IUPUI’s mission is derived from and aligned with the principal components—Communities of Learning, Responsibilities of Excellence, Accountability and Best Practices—of Indiana University’s Strategic Directions Charter.

**STATEMENT OF VALUES**

IUPUI values the commitment of students to learning; of faculty to the highest standards of teaching, scholarship, and service; and of staff to the highest standards of service. IUPUI recognizes students as partners in learning. IUPUI values the opportunities afforded by its location in Indiana’s capital city and is committed to serving the needs of its community. Thus, IUPUI students, faculty, and staff are involved in the community, both to provide educational programs and patient care and to apply learning to community needs through service. As a leader in fostering collaborative relationships, IUPUI values collegiality, cooperation, creativity, innovation, and entrepreneurship as well as honesty, integrity, and support for open inquiry and dissemination of findings. IUPUI is committed to the personal and professional development of its students, faculty, and staff and to continuous improvement of its programs and services.
QUIZZES

Quiz 1: Copyright Basics, Fair Use and Section 108

Assume all works in the scenarios are protected by copyright.

1. Would it be a fair use for an instructor in a public grade school to scan and upload a complete copy of a workbook of tests onto the school’s course management platform so that students can practice for the actual test? Does the analysis change if the setting changes to a for-profit educational entity?

2. Under sections 107 and 108 (make both assessments), could a non-profit library make a digital copy of a small portion of a VHS tape (an entertainment audio visual work, not a documentary or news item) and place it on a shelf-reserve, what about making the clip available in an e-reserve?

3. Under section 108, can a library make a copy of a deteriorating out-of-print novel or make a copy of a deteriorating cassette tape? Would it matter if there were an e-book version of the novel available for license? The CD version of the tape is still also available for purchase and on iTunes.

4. Under sections 107 or 108 (make both assessments), could the library make a copy of an entire VHS tape for a patron? What about making a copy of a small portion of the VHS tape to fulfill a request made by a patron at another library, i.e., interlibrary loan?

5. Ignoring the section 1201 issues for now, could a public, school or academic library make a back-up copy under either section 107 or 108 (make both assessments), of new DVD or Blu-ray just in case they might get damaged?
Quiz 2: Patron Confidentiality and the USA PATRIOT Act

Review your home state or state of your choice (other than Illinois, Indiana or Wisconsin) library confidentiality statute.

(Indicate the state statute you are using and include the text of the original and revised versions of the statute in your answer.)

Assess the statute (positive and negative).
How would you amend the statute and why?
Draft those changes into the existing statute and describe how the new version would operate differently in the future.
What further implementing policy considerations would you recommend including and why?

Here is a list of some of the factors to consider in your review of a state library privacy statute:

What libraries are covered; should the list be expanded?
Does your statute focus on just things (books or materials) or broader concepts of intangibles (use and service)?
How might your statute be enhanced in this regard?
What exceptions exist?
Are the exceptions specific and clear (written consent versus consent for example)?
Should some be added or deleted (consent, court orders, fines collections, assistance of law enforcement, etc.)?

Consider an exception relating to records of a minor and the approach states like Wisconsin take. Ohio is another state, O.R.C. § 149.432(B): “A library shall not release any library record or disclose any patron information except in the following situations: (1) If a library record or patron information pertaining to a minor child is requested from a library by the minor child’s parent, guardian, or custodian, the library shall make that record or information available to the parent, guardian, or custodian in accordance with division (B) of section 149.43 of the Revised Code.”.

What penalties or remedies (compensation for the patron) might be in order?

Does the statute contain any discretionary text (the use “may” in contrast to “shall” or “must”)? If so, what criteria should be used to guide staff in the exercise of that discretion?

Depending upon what you are recommending what processes, policies, information/directions or training messages should staff be aware of or that would be the critical to know in applying the statute?
Quiz 3: Access Issues: Patron Codes of Conduct, Use of Public Spaces

You are the new director of the XYZ Public Library. The library makes available its display case located in the lobby entrance to the library and its wall-mounted bulletin board (approximately 5 high by 10 feet long and located inside the library near the circulation desk) for use by patrons. There is no written policy governing use of either case or board. The practice has been to allow patrons to reserve either the display case for a week at a time (there is a sign-up sheet at the reference desk) and to post items on the bulletin board which is then cleared at the end of each month.

The following events recently occurred at the library. Several patrons complained that the content the Pro-Life Sisterhood placed on the bulletin board was disturbing and should be prohibited from being posted in the future. The content included graphic color images of aborted fetuses (or babies as your political or religious inclinations may dictate). Second, a group calling itself the White Intellectual Supremacy Expression (WISE) has reserved the display case for the weeks of Diwali (the November Festivals of lights celebrated by Sikhs, Hindus and Jains) and the anniversary of Kristallnacht, its content (text, images and objects) will include what some might label as “hate speech” targeting various racial, ethnic and religious groups including but not limited to Sikhs, Hindus, Jains and Jews. However, the content does not constitute incitement nor violate any other criminal law. Patrons/groups who have signed up for other weeks are complaining that the WISE displays should not be allowed. In conversations, both the Pro-Life Sisterhood and the White Intellectual Supremacy Expression have indicated that each believes it has a First Amendment right to display on the board and in the display cases the content in question.

In preparation of an upcoming library board meeting your task is to review the law relevant to display cases and bulletin board use in public libraries and assess the current legal aspects of the above facts. Do these patrons have free speech rights? If so, are the rights without limit? If not, what constitutional limits could be imposed on use of such spaces in your library in the future? What is the nature of the forum created by the library at this time? What options are available to the library in applying a specific forum status (traditional, designated, limited or nonpublic), to the two spaces in question and would this help prevent the issues going forward? Include in your discussion, what policies, procedures and conditions should be adopted regarding use of the display case and bulletin board space that would be sensitive to free speech concerns, minimize controversy or assuage concerns of the disturbed patrons.

Finally, with the new policy in place assess the result if in the future these two groups attempt similar uses (posting and display), i.e., how would the new policy apply and with what result? In making these assessments be sure to discuss the nature of the forum involved, the characterization of the “regulation” if any imposed (what restrictions will the library adopt in the proposed policy) and assess how the policy would be applied to facts at hand, i.e., if the regulation is content based or content neutral, the speech is within or outside of the limits of the forum, etc. would the new policy survive judicial review?