

The Quarterly Interview: Nancy Sims

University of Minnesota

-Edited Transcript-

LOEX: *Where do you work? What is your job title and main responsibilities?*

Sims: I am the Copyright Program Librarian at the University of Minnesota Libraries. I've been here for about ten years, and my job has evolved a bit over that time. Originally, the position was primarily focused on faculty education about copyright issues, so I developed a workshop program and instructional materials. Though I still do education and/or instruction regularly, my involvement in project teams has expanded over time—for example, campus instructional IT projects, or Libraries digitization projects. Throughout, I've worked on university and national policy issues related to copyright and scholarly communication, and done reference-type consultations.

What led you to focus on copyright as your professional specialty?

Both teaching and a general tech affinity are threads that date pretty far back in my life, and have pretty clearly influenced my career. My first library job was as part of the reference and instruction team at the University of Michigan, as an instructional technology librarian. Interesting questions about legal issues kept coming up in that work, so I started reading about tech and intellectual property law in my spare time.

Then I had two experiences in fairly short succession that led me to actually apply to law school. One was that I received suggestions from senior mentors to consider taking on expanded administrative responsibilities. As anyone who has worked closely with me knows, detail management and executive function are not my strong suit nor something I enjoy, so I started thinking about possible alternative professional futures for myself. Around this time, I encountered Donna Ferrullo, a JD/MLS copyright specialist at Purdue University, at a conference. Understanding her position gave me a glimpse at a **very** interesting future direction that would require continued engagement with the tech I've always enjoyed—so I set about taking the LSAT, and things kind of kept rolling from there.

What sorts of educational opportunities do you provide to your campus community about copyright? What do you most hope participants will learn or start doing differently as a result?

Under a previous campus program of required continuing education for most researchers, we reached around 200 individuals in any given year through in-person and online workshops at pre-set times. Unfortunately, that program was discontinued in 2014, and it's been harder to connect to people across campus without it. However, we do still reach a

similar number of people in other instructional settings, through collaborations with subject specialist librarians to present on research issues, and through sessions provided at the request of particular groups.

Education sessions tend to focus on issues in research contexts, but there's also a strong appetite for information about how existing content may be used in teaching. People tend to spontaneously ask about what they are or are not allowed to do with existing materials created by others, but one thing I'd love is if more people took action to learn about their own rights, and how to manage them! I usually have another pair of divergent goals in educating about use: there are always folks on campus who are being risk-averse about copyright in ways that are harming their research or teaching, and I want to encourage those folks to have a more realistic understanding of the places where copyright flexes to support research and teaching. But there are also always folks on campus who are overestimating their knowledge of the issues, or occasionally blowing off the issues—so I also want *those* people to develop a more realistic understanding of the places they may need to put on some brakes.

The expectation exists for librarians to understand copyright and provide guidance to others when questions arise. Yet, when we're asked copyright questions, I think the general response is to be anxious because we feel we don't know enough. How can these anxieties about our role as copyright advisors be mitigated?

First off, I'd want to suggest that, hey, you probably know more than the average person, just by virtue of working in a library! I did some research a while back that showed that, on average, library workers at the University of Minnesota had better knowledge of copyright issues than our faculty members. (<https://conservancy.umn.edu/handle/11299/198482>) I did that research partly because one of my librarian colleagues had gotten pushback from a member of her department along the lines of “why would we listen to you”, and I wanted to see if the actual numbers supported my impression that that was a ridiculous question. I was glad to see they did.

Second, I'd encourage us not to let our desires to give helpful answers (or worse, a desire to provide good customer service!) override the basic fact that copyright is an area of significant complexity. I pretty regularly encounter library folks who want to make sure their users know exactly what they *absolutely cannot* do on the library's computers, or with the library's DVDs. But the law of copyright doesn't have many absolutes (e.g., ripping DVDs is unquestionably sometimes legal), so helping people understand general issues is great practice here. Offering answers just for the sake

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of offering answers (especially if your answers are incorrect) is not!

Finally, I'd remind library folks that there are tons of things where we refer to outside experts—for instance, you might help someone find a set of meteorological records, but you'd usually suggest they find some specialist meteorological help to use those records to make predictions about future weather. Some libraries may even have people on staff with some deeper meteorological expertise, but most won't! (Also worth noting that unlike amateur meteorology, it is often prohibited by state law to give amateur legal advice.) So perhaps think of copyright as another area like that—one of many specialty areas of expertise where individual library employees may have developed some solid knowledge, but where deeper issues (and specific advice) may sometimes be the province of experts outside the organization.

What are your recommendations for how instruction librarians should teach copyright to our campus communities? How can we adopt a tone that goes beyond rule-enforcer?

Teach the complexity. That is, don't pretend there are readily-applicable rules or answers to most copyright situations. Teach that it requires the exercise of one's own judgment, and that one's judgment will get better with time and experience—but that in a lot of situations, regular people can and should exercise that judgment even if they're not an expert. We don't suggest that only racing drivers can decide how fast to drive a car—regular people can do that, in a lot of different road conditions. And although beginning drivers don't yet have the knowledge or skills to make really good judgments about lots of road conditions, teaching them to literally always drive the speed limit would be wildly negligent.

This is a central part of my teaching philosophy even when I'm not enthusing about copyright: it does no one any good to hide complexity, even in first encounters. Rubrics or rules that suggest there are concrete answers or a single correct approach to complex topics are a disservice to early learners of any age. (In fact, I think the mere fact that many library folks think there –are- concrete answers or single correct approaches to copyright issues are evidence of the failure of simplified or rule-based teaching, which is widespread in training for library folks. Among other weaknesses, it allows beginners to think they have learned a lot about a topic, when they actually have only begun to grasp it.) Of course, early learners need things broken down and simplified, but they **also** always need to know that there's more depth once they get past the basics, and that many reasonable people may disagree even on the basics. In my experience, even children can handle complexity when presented age-appropriately—often better than some adults.

My perspective on teaching complexity is not tied to a theo-

retical foundation, although I am aware it is supported by some research and theory (and contested by others.) Rather, it's a reflection of my own experiences, education, and personality. I recognize that “here's some basic information, there is a lot more complexity for you to understand over time, but you can get started with the basics” doesn't always feel very empowering to many other library folks, but empowerment is always my intent. An incremental and iterative growth mindset coupled with awareness that there are a lot of increments beyond those currently in your field of view is the only way to **truly** develop most kinds of knowledge and expertise.

What are your favorite resources that you recommend to librarians to best help them understand copyright?

Carrie Russell's “Complete Copyright” books via ALA; Kenny Crews' *Copyright Law for Librarians and Educators*; the Coursera “Copyright for Educators & Librarians” MOOC; the CopyrightX MOOC (although that's pretty far into the deep end of lawyer-ish education); the online continuing ed course on this topic I teach through the University of Wisconsin's iSchool most winters.

What books or articles have influenced you?

Two books that set me on this path professionally (i.e., I read them well before I started thinking about law school):

- 1) *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity* (2001) by Siva Vaidhyanathan and 2) *Digital Copyright: Protecting Intellectual Property on the Internet* (2001) by Jessica Litman
 - ⇒ Vaidhyanathan's book is a fun read, and was one of my first encounters with the massive range of policy decisions that shape copyright law and practice – for example, I think this book is where I first learned that the US was historically very lax in copyright enforcement... until it became a net **exporter** of creative content. This has a lot of really fascinating implications. Litman's book also outlines a lot of the wheeling and dealing that shapes US law, but at a more technical level than Vaidhyanathan. It's a bit far into the deep end of lawyer-ish reading, so it bore repeated reading as my knowledge developed (including via classes taught by Litman—this book even helped me decide which law school to attend!

One article I enjoy is...

- “The Orphans, The Market, and the Copyright Dogma: A Modest Solution to a Grand Problem” (2012) by Ariel Katz
 - ⇒ I love a good analogy, both as a lens for exploring a concept and as a teaching tool. In this paper, Katz very plausibly compares copyright licenses to papal indulgences, which I find both illuminating, and funny.