

Committee on Professional Ethics

REPORT TO COUNCIL

2014 Annual Conference — Las Vegas, Nevada

As chair of the Committee on Professional Ethics (COPE), I am pleased to report on the committee's activities since the 2014 Midwinter Meeting:

Explanatory Statements on the Code of Ethics

As a committee of Council, COPE's charge is to augment the Code of Ethics by explanatory interpretations and additional statements. In response to requests from the library community for ethical guidance on the topic of copyright, and in anticipation of a revised edition of the Intellectual Freedom Manual that will include a new section on copyright, COPE has created the first-ever Interpretation of the Code of Ethics on copyright. This statement was developed in consultation with the OITP Advisory Committee Copyright Education Subcommittee and the Committee on Legislation Copyright Subcommittee. The initial draft was posted to the Council email list and Connect on May 23, 2014 with a solicitation for comments and suggestions. A public hearing on the document was held on Friday, June 27th at the committee's first business meeting. After considering all the comments and suggestions received in person and via email and Connect, COPE approved the final version on Monday, June 30th. COPE respectfully requests that the Council adopt this Interpretation.

Additionally, COPE has developed a new Q&A on Conflicts of Interest, which was finalized at the conference and will be posted on the ALA website.

Educational Programming

The committee presented the following program at ALA's Annual Conference in Chicago on Sunday, June 29, 2014 from 1:00 to 2:30 p.m.:

“What Would You Do? Ethics in Action: Libraries and Law Enforcement”

Whether you work at a public, academic, or school library, blurred lines are all around. For example, if a police officer comes to your library asking to view patron records to help locate a missing teenager, where do your professional responsibilities as a librarian end and your civic duties as a member of the community begin? In short, what would you do? Join us to hear from librarians and police officers, review model policies, and role-play scenarios to prepare you for real life ethical dilemmas involving law enforcement.

A panel including academic, public, and school librarians as well as two detectives from the Las Vegas Metropolitan Police Department started the program by sharing their own experiences with the intersection of libraries and law enforcement. Reviving a longtime tradition of COPE, skits were then used to introduce scenarios of ethical dilemmas for discussion by the audience and panelists. The resulting discussions were lively, informative,

and timely. The 2015 Annual Conference program will focus on ethics and digital citizenship.

In 2009, a Council-approved resolution acknowledging ethics as an educational priority of the Association launched our Ethics Education Initiative. ALA had contracted with the Institute for Global Ethics (IGE) to offer their Ethical Fitness® seminar. The contract expired in October 2013 and, after a period of negotiation, was not renewed. The committee plans to continue this initiative with committee-generated programming to be offered at future conferences.

In closing, the Committee on Professional Ethics thanks the unit liaisons and the OIF staff for their commitment, assistance, and hard work.

ACTION

Copyright: An Interpretation of the Code of Ethics

The Committee on Professional Ethics moves to adopt “Copyright: An Interpretation of the Code of Ethics”, CD #40.1

Respectfully Submitted,

ALA Committee on Professional Ethics

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Helen R. Adams
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**Copyright: An Interpretation of the Code of Ethics
(30 June 2014)**

Article IV of the Code of Ethics of the American Library Association states that librarians “respect intellectual property rights and advocate balance between the interests of information users and rights holders.” Copyright¹ is the aspect of intellectual property most pertinent for libraries. Copyright, as established by the U.S. Constitution and the Copyright Act, is a system of rights granted by the law combined with limitations on those rights.

A shared purpose of copyright and libraries is to benefit the public through the creation and dissemination of information and creative works. In pursuit of this goal, copyright law should balance the public’s need to access and use informative and creative works and the interests of rights holders. Libraries have both the opportunity and the obligation to work towards that balance when they engage in activities such as acquiring information resources for their communities, curating and preserving cultural heritage, establishing services and programs to enhance access to information, and lending books or other resources.

Article 1, Section 8 of the U.S. Constitution empowers Congress to pass law “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Copyright law incentivizes creation of writings, art, music, and other works by granting creators the right to control and profit from some uses of their work, while limiting those rights to ensure balance with others’ rights and interests.

Copyright law provides a copyright holder the rights to make copies of the work, create derivatives, distribute the work to the public, and perform or display the work in public. Copyright law provides the public the right to make fair use of the copyrighted work, to use noncopyrightable aspects of the work, to sell or transfer a copy of the work (the “first sale doctrine”), and ultimately to have full use of the work when the copyright term expires. Copyright law also provides numerous specific exceptions for libraries, archives, and nonprofit educational institutions. Depending on the nature of the institution, these exceptions may include the ability to make copies for users, preserve and replace copies of works, and perform or display works in the course of teaching.

Libraries and their parent institutions have a responsibility to promote and maintain policies and procedures that are consistent with their ethical obligations, their institutional missions, and the law, including copyright law. Such policies and procedures should respect both the rights of copyright holders and the rights of users of copyrighted works.

Librarians are sources of copyright information for their user communities. Consequently, librarians should remain informed about copyright developments, particularly those that can

¹ According to the US Copyright Office, copyright is “a form of protection provided by the laws of the United States for “original works of authorship,” including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations.” Source: <http://www.copyright.gov/help/faq/definitions.html>

limit or restrict the rights of users or libraries. Librarians should develop a solid understanding of the purpose of the law and knowledge of the details of the law relevant to the activities of the library, the ability to critically analyze circumstances relying on fair use or other limits to the rights of copyright holders, and the confidence to implement the law using good judgment.² Librarians and library staff should be educated to recognize and observe copyright and its limits, to understand and act on their rights and those of their users, and to be ready to inform or properly refer users with questions pertaining to copyright.

Librarians have a proud history of advocating for the public interest. Copyright law should not expand the rights of copyright holders without sufficiently considering or benefitting the public interest. When the balance between rights holders and information users needs to be restored, librarians should engage with rights holders and legislators and advocate on behalf of their users and user rights.

Approved by the Committee on Professional Ethics, 30 June 2014

Endorsed in principle by the OITP Advisory Committee Copyright Education Subcommittee
Endorsed by the Committee on Legislation
Endorsed by the Intellectual Freedom Committee

² For more information about copyright law and related issues, see the publications of the OITP Advisory Copyright Education Subcommittee.