Against the Grain

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Community-Led Teaching and Learning: Designing an Open Educational Resource for Scholarly Communication and Legal Issues

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The open educational resources (OER) movement is growing at a rapid pace — not as rapidly as prices for textbooks have risen over the course of the last decades, and not rapidly enough to yet meet the exigent needs of students, many of whom take educational risks to alleviate costs by forgoing required materials.[1] As discussed in last year's *Against the Grain* special issue,[2] in order to support those students, libraries and librarians have become staunch advocates for open education and open textbooks. Yet, our community often still relies upon commercial textbooks for our own professionalization. This is especially true for legal issues like copyright and privacy, which — when they are offered at all — often borrow textbooks that reflect the overpriced nature of law school textbook prices.

Textbooks on cataloguing, collection management and development, and information literacy are common in LIS programs. With the rise of library publishing capabilities, interest in providing more open access to LIS literature, and publishers experimenting with open book publishing, it's time for LIS professionals to take a more active role in defining and describing our fields for our future colleagues, and collectively maintaining that knowledge to keep up with rapid change. To that end, and to demonstrate proof of concept as well as begin to develop methods and learn some lessons, we are creating an open textbook about scholarly communication librarianship which, among other things, will cover copyright and other relevant legal issues in libraries.

In the second decade of the twenty first century, scholarly communication has expanded from a niche issue to the heart of librarianship as a profession, and legal issues lie at the heart of this work. **Finlay**, **Tsou** and **Sugimoto** identify scholarly communication as a "core concept" for academic librarianship,[3] and professional organizations such as **NASIG**[4] and **ACRL**[5] have defines core competencies and developed toolkits to assist librarians in acquiring and maintaining current skills and proficiencies. An increasing number of librarians are taking dedicated scholarly communication roles focused on topics like copyright education and management, publishing, support for open access, open data,

and open education. Many more librarians are absorbing these roles into their responsibilities regardless of their titles. Given the rapidly shifting legal, cultural, technological, and economic scholarly terrain, it stands to reason that libraries must stay apace of these advances and will continue to adapt to support the communication needs of scholars.

Because scholarly communication is now a core competency, academic librarians must understand scholarly communication issues. This is especially important for early career librarians who hope to compete in a difficult job market, many of whom will be expected to be researchers in their own right. Yet, despite the breadth and depth of relevant literature available, library schools have thus far largely failed to take up at any scale the task of equipping emerging librarians with these increasingly necessary skills, particularly legal issues.[6] Why is this the case? Given that there is a great deal of rich literature by and about scholarly communication librarians and their work and that these skills are clearly needed in the present and prospective job market, why are so few relevant courses offered in MLS programs?

A generational shift may be in play here. Many library school professors have never practiced scholarly communication librarianship, and therefore may lack expertise or comfort in the discipline as it is practiced, with legal issues perhaps representing the most mysterious and daunting aspect of the field. There is no unified, cohesive, and comprehensive educational resource, as there is in other areas such as information organization or digital libraries, so instructors, students, and continuing learners must navigate the excellent but disparate literature in all its aforementioned breadth and depth, without editorial oversight to curate this literature. The **NASIG** Core Competencies and **ACRL** Toolkit offer some guidance and inform our approach and the products we propose to create, these tools alone have thus far resulted in little pedagogy around scholarly communication. Our goal is to create a complementary tool that is ready to implement.

Further complicating matters, scholarly communication is both interdisciplinary and quickly-evolving, which makes it difficult to create a standard commercial textbook that will prepare librarians to be leaders in the field. Such a product would be too rigid, restrictive, and probably too expensive. Legal issues provide a stark example of these challenges. Copyright law, which many place at the heart of scholarly communication, has significantly evolved in the past year, and may change dramatically based on the decision in the *Georgia State* ereserves case, which the Eleventh Circuit is considering as we draft this article. Even if the disparate threads of copyright could be gathered and presented for a LIS audience, no mean feat since most regularly-updated copyright textbooks are written for a law school audience, a textbook that stopped at copyright would be woefully incomplete. Contract law and licensing, privacy, civil procedure, antitrust, free expression, and a host of other legal issues come into play when considering scholarly communication. It would be difficult to create a single textbook that adequately presented all of these issues, and such a textbook would quickly fall out of date as *Georgia State* and the host of cases in the other named areas were decided.

Instead, we are undertaking a collaborative open educational resource that gathers contributions derived from lived experience from librarians, instructors, and students, as well as experts in related areas such as law, economics, and publishing. This model leverages the potential of what the NMC Horizon Report 2017 *Higher Education Edition* describes as a "blending of formal and informal methods of teaching and learning [that] can create an education environment that fosters experimentation, curiosity, and above all, creativity."[7]

As an editorial team that includes **Maria**, **Josh**, and **Will Cross**, we feel well-positioned to launch this effort in partnership with our broader community of colleagues. We are active practitioners both of scholarly communication librarianship and LIS instruction (plus a fairly recent graduate in **Josh's** case), and have a collective well of deep knowledge regarding scholcomm, copyright, open education, and publishing.

As first steps, the authors are undertaking the foundational work needed to improve our understanding of user needs in scholarly communication education and to begin to develop

the infrastructure and community necessary for an OER as a tool to meet those needs. We seek to identify the components of the OER, the potential obstacles to its adoption, and the partnerships and promotional activities that would accelerate its use. This preliminary work helps to build materials and relationships for creating an OER that can meet those needs and challenges in order to support a broad range of scholars, students, librarians, and publishers better understand how to meet a pressing need for new librarians — and librarians new to supporting scholarly communication — to engage in scholarly communication work.

Beyond the primary goal of creating a resource that serves the pedagogical needs of LIS instructors and students, we hope our project may be a model for librarians in other disciplinary roles to have stronger representation in how the theory and practice of their work is taught to their future colleagues in library school by developing similar tools in their own spaces. As noted above, while librarians and libraries are a major force in the open education movement, we frequently still learn from conventional textbooks, or perhaps as commonly, don't learn from them because of access barriers. Decreasing these barriers may well be a piece in helping to address the alarming lack of diversity in our profession.

The OER will be structured to introduce scholarly communication at a high level, grounded in technical, social, economic and legal issues. Our discussion of legal issues in the overview section will drill down into fundamentals of copyright and licensing, the role of funder mandates, and the impact of international law, treaties, and similar agreements on global scholarship and sharing. With the fundamental issues introduced, we will present openness as the prism through which all these issues are viewed. Open access, data, education, and source all include each of the pressures described above.

This high level overview of scholarly communication will be the foundation for a collaborative series of case studies drawn from the lived experiences of practitioners across the field. Since this is a resource primarily aimed at LIS education, many of these case studies will be aimed at a library audience, but we hope that stakeholders from every corner

of scholarly communication will contribute. We will seed an initial set of case studies, but much of our work will be gathering together a community that sustains, enhances, and continually refreshes the case studies. The open nature of OER will permit a vibrant community to share stories from large and small institutions, support discussion from case studies that reflect differing or even competing approaches to a topic, and invite in stakeholders we have never met. We also hope that the OER can be used to support open pedagogy, with LIS students making contributions part of active and participatory learning.

At the time of writing, we have drafted a table of contents and started identifying potential contributors that leverage expertise in specific sub-areas of scholarly communication work. Initial exploratory conversations with a publisher willing to embrace the openness of the project have been very promising. We're looking forward to hosting a roundtable discussion at **Open Education Conference** in Anaheim in October (Table 3 at 11:00 and 11:30 on Thursday the 12th; swing by and participate!). Finally, we're awaiting the result of a request for funding which will allow us to do more background research to ensure the outcomes closely address real needs.

Of course, as with any creative project, interesting legal issues arise that we will need to navigate as editors, in consultation with a publisher and potential funders, with collaborators/authors, and future users and modifiers of the text. The editors are committed to open accessibility and an open license that permits **David Wiley's** 5 Rs: the rights of users to reuse, retain, redistribute, revise, and remix the work.[8] Are commercial uses to be embraced, and if we as editors prefer that, will other contributors and a publisher agree? There are likely many potential openly licensed works (such as **Wiley's** blog post defining open and the 5 Rs referenced above, for example) that we will have to use in legal ways. Will a publisher own copyright but extend broad rights to creators and users via an open license, or will contributors of newly authored content each own the copyright in their own contributions but license so as to permit publication and downstream innovative use?

We will also work to navigate legal issues related to gathering, hosting, and curating these materials. With significant litigation and ongoing investigations by the Department of Justice related to accessibility, our commitment

to making these materials open to all users, regardless of disability, is in harmony with the legal environment. Similarly, issues of user privacy, copyright, and trademark are built into the use of case studies that describe the practices and works of third parties. To the extent we use multimedia content, visualizations, and cutting edge digital projects, we will also have to contend with terms of use and the laws of specific tools and platforms. An awareness of third party liability, international law, and the attendant rules and practices is also essential for a sustainable project that reflects the global, online world of modern scholarly communication.

The open education movement has grown at a rapid pace, with librarians front and center. Given our advocacy and knowledge, we can and should start leveraging open education in our own professionalization. The seed for this project is the intersection of scholarly communication, open education, and community ownership. Legal issues and scholarly communication need to be more widely taught; open education is the correct tool to drive this instruction; and the researchers, instructors, practitioners, and students are the rightful creators and owners of it. If you have ideas or expertise to share, get in touch! If you work in another area besides scholarly communication, consider how your community of practice can take control of your pedagogy and collaborate to develop and maintain an open educational resource in your discipline. 🐚

Endnotes

1. *http://www.openaccesstextbooks.org/pdf/2016_Florida_Student_Textbook_Survey.pdf*

2. *http://www.against-the-grain.com/2016/12/60911/*

3. *http://doi.org/10.7710/2162-3309.1236*

4. *http://www.nasig.org/site_page.cfm?pk_association_webpage_menu=310&pk_association_webpage=9435*

5. *http://acrl.libguides.com/scholcomm/toolkit/home*

6. *https://muse.jhu.edu/article/409892*

7. *https://www.nmc.org/publication/nmc-horizon-report-2017-higher-education-edition/*

8. *http://www.opencontent.org/definition/*

U.S. Army in 1827 and 1828 and he used the island setting as the background of his story "The Gold Bug."
http://www.ccpl.org/content.asp?id=14637&action=detail&
https://www.yelp.com/biz/sullivans-trade-a-book-mount-pleasant

Was excited to learn that the great debater **Alison Scott** has been appointed associate university librarian for collection management and scholarly communication by the **UCLA Library**. She will assume her role on Oct. 2. The position oversees five major departments: cataloging and metadata, preservation, print acquisitions, scholarly communication and licensing and the Southern Regional Library Facility. **Alison** comes to **UCLA** from **UC Riverside**, where she has been associate uni-

versity librarian for collections and scholarly communication since 2014. While there she has focused in particular on enhancing the library's approach to collection development, crafting a curation strategy that views general and special collections materials as combined into distinctive collecting areas and incorporating faculty involvement into the review process. Prior to working at Riverside, **Alison** served as head of collection development