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## **Walking the Talk: Establishing Best Practices for Attributing and Licensing Employee-Created Works**

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# Walking the Talk: Establishing Best Practices for Attributing and Licensing Employee-Created Works

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## Abstract

Library employees routinely create content that is subject to copyright, ranging from web pages to video tutorials to photographs to social media posts. In most cases these contributions are invisible, as the creativity and intellectual effort of employee creators is typically unacknowledged. At the University of Guelph, we endeavored to bring the works of employees into the spotlight by providing attribution on public-facing content whenever possible, while also facilitating downstream uses of those works through the use of open licenses. In doing so, we hoped to address a general lack of awareness and understanding of copyright and model respectful copyright practices for library employees and users alike. However, establishing and implementing these new copyright-focused practices was not without challenge and controversy. This paper—which builds upon a presentation we delivered at the 2024 ABC Copyright Conference (Martin & Versluis, 2024)—explores the obstacles we encountered in our multiyear journey to develop practices that were acceptable to content creators and content managers, while also respecting the boundaries of institutional intellectual property policies and collective agreements.

*Keywords:* copyright literacy, moral rights, open licensing, staff development, copyright ownership, employee-created works, library policy and documentation

### Walking the Talk:

#### Establishing Best Practices for Attributing and Licensing Employee-Created Works

Copyright is a challenging area for many to navigate, owing largely to its complexity, nuance, and legal implications. As Secker and Bell (2010) point out, copyright tends to elicit an “ignorance is bliss” approach, where users “would prefer not to think about whether they might be infringing copyright law” (p. 166). While some eschew intentional consideration of the implications of their actions, those who engage in good faith might find themselves experiencing “copyright anxiety,” a term that describes the frustration and negative emotions that may be associated with one’s consideration of copyright implications (Wakaruk et al., 2021). Library employees are not exempt from such feelings. Despite the fact that librarians have become “accidental copyright czars” (McDermott, 2012, p. 11), the de facto experts in their respective organizations, they also experience anxiety and exhibit avoidance behavior around copyright (Morrison & Secker, 2017). This may be why, although the creation of content can be a significant element of the work that library employees do, depending on their level of copyright literacy, they may be unaware of their rights as creators.<sup>1</sup> This was certainly the case at our organization, the University of Guelph’s McLaughlin Library (hereafter referred to as McLaughlin Library or the Library), where two situations highlighted that there was not a shared understanding around the rights of employees as creators.

We felt it was imperative to rectify this and thus embarked on the process of establishing Copyright Guidelines for Works Created by Library Employees (hereafter referred to as the Guidelines), with the practices of attribution and open licensing at its core. We had several objectives in pursuing this project, ranging from addressing specific workflows and processes to enhancing copyright literacy more generally.

Over the course of this multiyear project, there was a significant amount of sector-wide evolution in the areas of generative artificial intelligence, electronic resource licensing clauses, and open educational resources (OER), all of which presented significant implications for the area of copyright and intellectual property. Given these developments, the importance of copyright literacy within both academic libraries and higher education cannot be understated. Despite copyright’s growing importance, the literature remains scant in crucial areas. While writing about the importance of building or promoting copyright literacy among library practitioners (Charbonneau & Priehs, 2014; Estell & Saunders, 2016; Fernández-Molina et al., 2022; Secker & Morrison, 2022), within library school curricula (Cross & Edwards, 2011; Schmidt & English, 2015), among LIS students (Saunders & Estell, 2019), or within the university context (Anders & Algenio, 2020; Keener, 2015; Rodriguez et al., 2014) is plentiful, explorations of topics such as employee versus employer copyright ownership, attribution of employee-authored works, and upholding employee moral rights are few and far between. The handful of articles that do address these subjects tend to be focused on business rather than academic environments (Tong, 2014) or examine the law in jurisdictions other than Canada (Kwall, 2000; Rahmatian, 2014). Academia is a unique environment in that copyright ownership of employee-created

<sup>1</sup> Although our preference is to use the term “creator” when speaking about an individual employee creating copyrightable content due to the term’s inherent inclusivity, Canada’s Copyright Act uses the term “author.” In recognition of this, we will be using the terms “creator” and “author” interchangeably throughout this article.

works is handled differently than in other sectors, and Canada’s copyright law contains moral rights provisions that differ from, or are non-existent in, other jurisdictions.<sup>2</sup>

#### The Organizational Context

In order to fully appreciate this initiative, as well as its associated challenges and complexities, providing some organizational context is necessary. McLaughlin Library operates under a functional team model. This means that instead of users reaching out to a single point person with domain expertise in an academic discipline (as is typical under the liaison model of academic libraries), they reach out to different people, or teams of people, who are specialists in a particular area, depending on what their need is. For example, a graduate student who is seeking assistance with their dissertation might connect with library employees on the Information Literacy Team (for sourcing relevant literature), Writing Services Team (for writing a literature review) and Research & Scholarship Team (for conducting statistical analysis and understanding author rights considerations) at different points in their scholarly process. Employees are expected to be familiar with all disciplinary norms—from fine arts to engineering—and provide uniform support accordingly.

One of the benefits of operating under a team-based model is that employees develop a level of deep, meaningful expertise in their areas of responsibility. As ownership for specific responsibilities is typically tied to certain roles or teams, employees feel a strong sense of empowerment over the work and tasks that fall within their domain. This is equally true for the employees who create web pages, videos, and LibGuides in their areas of expertise and the content managers whose role is to ensure the contribution falls within certain parameters and standards for digital content provision. This siloization of expertise can result in a disconnect between the employee providing the public-facing work and the employee providing the back-end infrastructure to make it happen, in which both feel a strong sense of ownership over the resulting content. Questions around copyright-related topics such as attribution and licensing can exacerbate the issues arising from these conflicting perspectives, particularly when gaps in copyright literacy result in misconceptions and anxiety.

It should be noted that the McLaughlin Library website provides robust copyright guidance as it pertains to topics such as author rights and the use of copyright-protected works for teaching, learning, and research purposes. However, the intended audience for this content is the Library’s users, not its employees. This approach made sense pragmatically—there are approximately 30,500 students, 820 faculty, and 3,200 staff affiliated with the University of Guelph (Office of Institutional Research and Planning, 2023), with only 90 of those employees working in McLaughlin Library. However, it meant that there was little to no internal support for library employees who were creating or managing content to understand the rights and responsibilities associated with that content. There was also no mechanism for providing acknowledgment or credit to employee creators, so they were unable to showcase their work in a meaningful way when they were going up for review or promotion. Furthermore, while a small subset of works created by employees contained Creative Commons (CC) license statements, open licensing was not the normal practice for most of McLaughlin Library’s public-facing content. As a result, the Library regularly received requests for permission to reuse or adapt content. Many of those requested uses likely could have been facilitated through the use of CC license statements and greater reuse of such content could have occurred had it been openly licensed.

<sup>2</sup> Fisk (2006) notes that, in the United States, “intellectual property law does not adequately protect the right of attribution because American law does not recognize or protect moral rights” (p. 51).

The gap in the Library's copyright support became readily apparent in two specific situations:

- In the summer of 2020, employees at the Library were struggling to navigate the challenges of providing access to course textbooks while the campus was in a COVID-related closure. In response, a small group of employees (the two of us, and Collections & Content Librarians Meg Ecclestone, Helen Salmon, and Paul St-Pierre) wrote a detailed news item discussing the challenges of licensing digital titles from textbook publishers. Initially conceived as an educative piece for our campus community, it was soon noticed by colleagues across the world who were interested in adapting it for their own library. We had a plethora of reuse requests come through the Library's administrative team, our generic "Ask Us" email, as well as the inboxes of our colleagues and ourselves. This resulted in us spending a significant amount of time checking in with each other, forwarding requests, and writing follow-up emails.
- In 2021, we received a request from a colleague at Kwantlen Polytechnic University who was interested in adapting a video about Creative Commons licenses that was located on the Library's YouTube channel. While this video had a CC license, there was no indication of the creator or any link to the source files.<sup>3</sup> This colleague was an expert on open education and knew that part of the requirements of adapting CC-licensed content was to acknowledge the creators. They had reached out to Ali directly to ask who they should contact for the source files and to whom they should give credit, as they felt uncomfortable with giving the attribution to McLaughlin Library as an entity, rather than to the individuals involved.

After this latter case in particular—where a great deal of employee time was spent discussing the intricacies and nuances of intellectual property (IP) policies and collective agreements, as well as trying to decipher historical decision-making—it was clear that guidance and support around the reuse and adaptation of works created by library employees was necessary. We approached the Library's senior leadership team<sup>4</sup> with a proposal to create the Guidelines. After receiving approval, we began the work in earnest.

### The Intellectual Property Environment

As we embarked on developing the Guidelines, it was necessary to ensure that any changes we were proposing with respect to employee-created works be situated within our institution's existing IP framework. At the University of Guelph, copyright provisions for works created by faculty, staff, and students are set out in two documents: the Collective Agreement Between the University of Guelph and the University of Guelph Faculty Association (hereafter referred to as the UGFA Collective Agreement), which applies to all Faculty Association members, including faculty, librarians, and veterinarians; and the Policy on Intellectual Property (hereafter referred to as the Policy on IP), which covers all other employees, as well as students. The intellectual property provisions in both documents are similar, with the UGFA Collective Agreement containing some additional language specific to the creation and use of teaching materials.

The fundamental principle expressed in both documents is that members of the University of Guelph community own the copyright in the works that they create as part of their employment or

program of study, subject only to a few specific exceptions. The University of Guelph is similar to most other Canadian universities in this regard, where the norm is for academic employees to own copyright in the works they create.<sup>5</sup> While the general rule in Canada's Copyright Act (1985) is that the employer is the first owner of copyright in works created by its employees, this is not the case at most academic institutions. The Canadian Association of University Teachers (CAUT) notes:

the longstanding tradition at virtually every Canadian university is that academic staff own the copyright in the literary and artistic works that they create. Typical contract language provides that "the member as author of a work shall hold the copyright to the work, whether or not it has been produced in the course of the member's employment." (2003, p. 3)

There are good reasons for this: Allowing academics to retain ownership of their work helps to maintain an incentive for the production of scholarly works and enables academics to continue to use the works they have created as they move between different institutions. Perhaps most importantly, it preserves academic freedom by ensuring that scholarly works are created independently without being influenced by institutional interests. Most universities formally grant first ownership of copyright to the employee or employees who create the work (at least for faculty and other academic staff members) via collective agreements, employment contracts, and institutional policies.<sup>6</sup>

The University of Guelph extends copyright ownership to all members of the campus community, regardless of whether they are faculty, non-academic staff, or students. However, there are some exceptions to this principle, as outlined in the UGFA Collective Agreement and the Policy on IP. For example, the University of Guelph may claim copyright ownership in works when it is specified in a contract, such as if the employee has been hired specifically to create the work in question or if the creation of the work is an explicit requirement of the employee's job description. The University of Guelph may also claim part ownership of a work if "extraordinary support" over and above the usual resources available to the employee have been provided to aid in the creation of the work. In our conversations with faculty and other employees across campus, we have heard that the manner in which these exceptions are construed results in some ambiguity and confusion, and that it is less than straightforward to determine employee ownership of copyright in certain situations. Historically, the application of the copyright principles in the UGFA Collective Agreement and the Policy on IP has been subject to interpretation based on the facts of specific cases.

Another important limitation on the right of employee ownership is found in both the UGFA Collective Agreement and the Policy on IP. Both documents specify that, in cases where copyright ownership of a work belongs to the employee, the University of Guelph is granted a non-exclusive license to make use of the work for non-commercial teaching and/or scholarly, research, and creative activities of the university.<sup>7</sup> This enables the institution to continue using, editing, adapting, and distributing works created by its employees and students even after those individuals have left its employ. In other words, the question of whether the employee is the copyright owner of a particular work does not generally have any impact on the University of Guelph's ability to make use of the work for its own purposes.

<sup>5</sup> See Hen (2010), which includes a table summarizing the copyright ownership policies of most Canadian institutions.

<sup>6</sup> In Canada, IP policies and language are negotiated at the institutional level rather than imposed centrally. This differs from the United States, where the Bayh-Dole Act imposes standard employer-ownership policies. See CAUT (2003), p. 4 footnote 1.

<sup>7</sup> Note that an employee's personal notes, papers, and works in progress, etc., are not included in this grant of license.

<sup>3</sup> It had been decided through an earlier discussion between McLaughlin Library's senior leadership team and Communications Team that individual creators of content would not be attributed.

<sup>4</sup> This group is responsible for establishing and standing accountable for the strategic direction and overall leadership of McLaughlin Library.



It was necessary for library leadership, content managers, and individual employees to have a clear understanding of these essential elements of the institution's IP policy before we could proceed with establishing guidelines specific to content created by library employees.

### The Objectives

In establishing the Guidelines, we had three main goals:

1. to ensure that library employees who created works received attribution for their work whenever it was feasible and appropriate.
2. to assign CC licenses to public-facing library content whenever possible.
3. to establish a consistent workflow for responding to requests for permission to reuse or repurpose McLaughlin Library's content.

We also had a number of objectives underpinning these goals, namely:

- facilitating the reuse of library content by others via open licenses, thereby supporting McLaughlin Library's commitment to open (access, education, data) writ large.
- ensuring consistency in responses to requests to reuse the Library's content, resulting in efficiency and saved time for our colleagues.
- enabling creators to receive attribution for their work whenever applicable. This would allow them to easily reference their work in professional portfolios, résumés, applications for continuing appointment or promotion, and other review-based scenarios.
- ensuring the practices at McLaughlin Library are compliant with Canadian copyright law, which requires that authors receive attribution for their work.
- educating others about copyright, a fundamental responsibility of the Library that undergirds many of our professional practices.
- modelling and promoting respect for and understanding of copyright for the University of Guelph community.

We also felt it was important to be clear about what fell outside of the scope of the Guidelines. They were not intended to:

- provide any guidance on who owns the copyright in specific works that content creators make. That guidance is found in the UGFA Collective Agreement and the Policy on IP. The Guidelines do not override or replace anything in these documents.
- limit in any way the ability for McLaughlin Library or the University of Guelph to use, reuse, or adapt any works that have been created by its employees.

### The Process

The complexity of the initiative, when coupled with other factors happening in our organization, meant that the process of developing the Guidelines took considerably longer than originally anticipated. The timeline was also extended several times because we found that additional consultations with stakeholders were necessary. An overview of the various stages of the development of the Guidelines, as well as the consultations we engaged in, are provided below.

In the early stages of the process in Fall 2021, we reached out to a small number of colleagues at

other institutions to ascertain whether anyone else was grappling with copyright issues related to content created by library employees, and if so, how they were being addressed.<sup>8</sup> Most responded in the negative: Either this situation was inapplicable at their institution because their IP policies differed from the University of Guelph or this was not an issue that had ever arisen. We were unable to locate an institution that routinely provided attribution for the works of its library employees. While some did attach CC licenses to content, they did so selectively and did not openly license their content as a general rule. That there was not currently much being done in this area indicated to us that the Guidelines we were creating for our local context might also benefit colleagues at other institutions.

In January 2022, we brought the idea of the Guidelines to the senior leadership team. The group approved the initiative in principle but recommended connecting with relevant stakeholders within the Library for feedback. In May 2022, we shared a draft version of the Guidelines with the University of Guelph's legal counsel to ensure that they were legally sound and in keeping with university policies. We also shared this version with the Library's primary content managers<sup>9</sup> for feedback, as they would be responsible for integrating the Guidelines into their regular work responsibilities.

Between Fall 2022 and Summer 2023, we further revised the Guidelines. We also created support materials (an FAQ document and implementation guide) based on the feedback we had received from stakeholders. We did so because we wanted to ensure the Guidelines and other documents were responsive to people's concerns and made sense for their current practices and workflows.

In Fall 2023, we presented the Guidelines at an all-staff meeting to answer questions, address concerns, and provide clarity to colleagues who had not been a direct part of the process. We also wanted implementation to feel less daunting and thought that putting our faces in front of colleagues (some of whom we had never officially met) was important to building rapport and emphasizing our commitment to be available to support them during the implementation.

In January 2024, we brought the Guidelines back to the senior leadership team for implementation approval. Upon securing that, the Guidelines were brought to the Library's operations and management team<sup>10</sup> for final approval in February 2024. This was the opportunity for middle managers to seek clarity, understand the process, and provide feedback. It was a crucial step for getting these colleagues on board as champions within their teams prior to the implementation process.

Over and above the feedback and consultation that we engaged in, it was important to build consensus and a shared understanding across the Library. We wanted to ensure that our colleagues understood where this initiative was coming from and why it was important in order to maximize their buy-in. We were committed to meeting colleagues where they were at, rather than where we wanted them to be. As such, we:

- raised awareness of creator rights and obligations enshrined in the Copyright Act, the UGFA Collective Agreement, and the Policy on IP. As noted above, the Library already had robust information posted that explained copyright to our users. Engagement and advocacy around creator rights—and library creators more

<sup>8</sup> As this initiative was not initially a research project, we did not undertake a comprehensive environmental scan. We did, however, review a range of institutional websites to observe their attribution and licensing practices. Specific institutions we contacted for more information included Queen's University and Toronto Metropolitan University.

<sup>9</sup> This group includes the Library's Website Committee, Digital Media Studio Team, and LibGuide administrators.

<sup>10</sup> This group is responsible for operationalizing library-wide strategic priorities and directions. It comprises all of the members of the senior leadership team as well as operational managers.

specifically—resulted in a more nuanced understanding of copyright, especially at the managerial level.

- addressed misconceptions about copyright (of which there were many). This allowed us to build up some basic copyright literacy amongst colleagues who had never had to consider its implications before.
- created an FAQ document to address common questions and concerns about the Guidelines. Doing so forced us to carefully consider how to communicate information about a complex, nuanced topic to a diverse audience in a way that would be broadly useful.
- created an implementation guide to answer the nitty-gritty “how do we actually operationalize this?” questions. This allowed us to provide tangible, discrete suggestions that our colleagues could start to provide their feedback from. This resulted in a more lightweight feedback process for them and better, more specific feedback for us.
- reiterated our roles as experts and resource supports for library employees, with an ongoing commitment to communicate and meet with strategic and operational teams as regularly as required.

### The Moral Rights Question

One concern that arose repeatedly among the Library’s content managers was the lack of clarity over copyright ownership of content generated by their colleagues. There were fears that library-based content “owned” by others would not be able to be edited, adapted, or reused in other contexts. Fortunately, this issue did not become an impediment to implementing the Guidelines. While there was agreement that it is important for employees to be aware of the intellectual property rights they have (or do not have), establishing copyright ownership of works was not determined to be a prerequisite to proceeding with the practices recommended in the Guidelines, namely, providing attribution and attaching CC license statements. In part, this was because the UGFA Collective Agreement and the Policy on IP specify, as noted earlier, that in cases where copyright ownership of a work belongs to the employee, the University of Guelph is granted a nonexclusive license to make use of the work for its own purposes. For content managers—who need to be confident that they can continue to use, repurpose, or adapt the content that they manage—the existence of this license is critical.

This issue did, however, highlight a fundamental tension inherent in the University of Guelph’s IP policy environment: the desire—albeit driven by practical considerations—to have employees retain copyright ownership of their creative output versus the need for the institution to retain access and control over the content created in its name. And while the nonexclusive license claimed by the University of Guelph enables the ongoing, day-to-day utilization of employee-created works, there are gray areas that remain open to interpretation. For example, when a request is made from outside the institution to copy or adapt content created by a University of Guelph employee, questions have sometimes arisen as to whether such uses fall within the university’s “non-commercial teaching and/or scholarly, research and creative activities” and can therefore be authorized by the university. Consultation with the university’s legal counsel to determine copyright ownership may in fact be necessary in these circumstances.

For the purposes of the Guidelines, however, settling the question of copyright ownership was not a primary consideration. Certainly, the decision to provide attribution to employee creators did not hinge on this. We noted that Canada’s Copyright Act (1985) grants to authors a set of moral

rights which include “the right, where reasonable in the circumstances, to be associated with the work as its author by name or under a pseudonym, and the right to remain anonymous” (§14.1.1). Furthermore, the Copyright Act states that an author’s moral rights “may not be assigned but may be waived in whole or in part” (§14.1.2). In other words, employees cannot transfer their moral rights (including the right of attribution) to their employer, although they could opt to waive their right to attribution if they so wished. The moral rights of employee creators are also acknowledged in the Policy on IP (Research Innovation Office, 2014), which states that employees “shall not be required to waive their moral rights” (sec. 2, para. 3). The UGFA Collective Agreement (2022) goes one step further by affirming that “no contract or written agreement between the University and a Member shall contain a clause waiving moral rights” (p. 154).

Thus, it seemed clear to us that library employees creating content in the course of their work must receive attribution unless they specifically choose to waive that right. While the Copyright Act’s (1985) moral rights clause does contain an “out” of sorts—the requirement that attribution occur “where reasonable under the circumstances” (§14.1.1)—we felt it would be disingenuous to suggest that providing attribution was an unreasonable requirement for content managers. Recognizing that there can be space limitations and that tracking and managing long lists of creators could be impractical, we provided guidance on circumstances that might prohibit attribution statements from being attached to content. However, in the majority of cases, we felt that the value of providing attribution outweighed any objections that might arise regarding the practicalities of doing so. As Vaver (2011) noted:

Attribution is important to authors especially where they no longer own the copyright in their work because they are in employment or have had to transfer the rights. ... Attribution is how their talent and work get recognized and potentially more highly valued. (p. 205)

### The License

The attachment of CC license statements to employee-created content also surfaced some challenges. The Guidelines proposed that a standard or default license be applied to all public-facing library content. Ideally, we hoped that the CC license selected as the default would be the most open one possible within the context of our organization. This not only would allow users to freely access, share, reuse, and remix for a wide range of noncommercial purposes but would also be a tangible demonstration of our organizational commitment to open access. However, we also recognized that in situations where employees are the copyright owners of a work, they alone have the right to determine how it is licensed. Ultimately, it was agreed that while a default license would be recommended for library content (and would in fact appear by default), individual creators would retain the right to request that specific works be licensed differently.

While our initial recommendation for the default license was the Creative Commons Attribution-NonCommercial license (CC BY-NC), after much discussion with content managers, we settled on the Creative Commons Attribution-NonCommercial-ShareAlike license (CC BY-NC-SA). Both types of licenses permit noncommercial uses of the content, but the CC BY-NC-SA license is more restrictive in that it requires that any adaptations of the content in question be licensed with the same CC license as the original. Ultimately the decision to go with the CC BY-NC-SA license was a pragmatic one, in that it resolved concerns about consistency with existing library content (including some YouTube videos and LibGuides) that were already licensed with a CC BY-NC-SA license. As of the time of writing this article, we have not heard from any employee creators who



object to the default license and are seeking to license their work differently (although we recognize that creator preferences may vary depending on the nature of the work).

To leave the option open for alternative license choices, the Guidelines recommend that the default license statement include the words “unless otherwise noted.” This enables content within existing webpages, for example, to be licensed differently from the rest of the website.

### The Implementation

Incorporating the Guidelines into existing content-creation practices posed numerous challenges and involved ongoing consultation with content managers, the senior leadership team, and the operations and management team, and other library employees. Colleagues responsible for managing the McLaughlin Library website, LibGuides, and digital media content documented multiple concerns that they viewed as obstacles to implementing the Guidelines. Among the objections raised were that:

- The license statement and attribution requirements would be in conflict with the Library’s brand guidelines.
- Attributing individual creators would detract from the vision of a website that belongs to all employees.
- Content managers (and future creators) would be obligated to seek permission from creators before they could edit, adapt, or repurpose any content.
- Content managers would become mediators or arbitrators when conflicts over attribution or license statements arose.
- Attaching CC licenses would conflict with the “All rights reserved” notice on the University of Guelph’s website.
- Managing attribution and license statements would place an additional administrative burden on content managers.

In response to the objections raised, we revisited the original draft of the Guidelines and made some adjustments. While we had initially focused on the lofty goals that we hoped the Guidelines would help to achieve, such as modelling open practices for our users and educating the campus community about intellectual property rights, the feedback we received required us to shift our attention to more practical considerations. We needed to make the recommendations less prescriptive, giving content managers the flexibility to incorporate them into existing procedures. Instead of providing a list of every possible example and scenario, we concentrated on establishing basic principles. This helped to keep the Guidelines document manageable in length and less daunting to read. At the same time, we highlighted the underlying rationale for the Guidelines, their alignment both with McLaughlin Library’s strategic priorities and the requirements of copyright law, and the benefits that would be realized for both the Library and its users.

Subsequent drafts of the Guidelines were developed with ongoing input, particularly from content managers, who provided us not only with a list of potential issues but also with their preferred solutions. These additional meetings resulted in the creation of the Implementation Guide and FAQ mentioned earlier. The Implementation Guide was needed in order to provide detailed guidance to both content managers and employees on how the Guidelines should be operationalized. It included sample language, examples of the kinds of works that require attribution, samples of license statements from peer institutions, and suggestions for ways that the requirements could be integrated into existing templates and intake forms. The Implementation Guide also included procedures for responding to requests for permission to reuse or adapt library content.

The FAQ was developed with a focus on addressing specific questions that were raised during the consultation process. In response to concerns about conflicts with university and library brand guidelines, we explained that providing attribution and including a CC license statement is a common practice on many websites and does not negatively impact an organization’s brand. For McLaughlin Library, these practices would help to promote our organization as a source of copyright information, an advocate for open access, and a model for responsible scholarly practices. Regarding the argument that attribution of individuals would detract from the vision of a website that belonged to all library employees, we noted that employees may in fact feel a stronger sense of collective ownership of the Library website if they are given credit for the content they contribute to it. Worries about having to seek permission from employee authors each time content needed to be edited were resolved by reminding people of the nonexclusive license that the University of Guelph retains with respect to employee-created works, which ensure those works can be edited and adapted as needed. Additionally, to allay concerns about creating a conflict between CC license statements on library content and the “All Rights Reserved” notice on the university’s webpages, we pointed out that the university copyright statement applies to the entire institutional website, whereas the CC license would apply only to the specific webpage or item that it is attached to. We shared with our colleagues that this practice is common on many websites.

Ultimately, we ended up incorporating many of the recommended changes put forth by content managers into the Guidelines and supporting documentation. We were particularly concerned with finding ways to limit any administrative burden that the Guidelines might impose on them, as we recognized that this was a significant obstacle to their acceptance of the Guidelines. For example, we agreed that it would be impractical to try to implement the attribution requirement retroactively or to include attribution for works with more than five authors. Similarly, although we preferred a more open license in order to facilitate a wider range of downstream uses, the CC BY-NC-SA license was eventually selected as the default. These decisions were made to prioritize practicability and feasibility, as well as to ensure simplicity and consistency for users of our content. But we also felt it was important to emphasize that the positive benefits of the proposed changes offset the additional administrative overhead that might be incurred. Attribution not only promotes respect for the intellectual effort that creators put into their work but, in allowing them to reference the works they have created in their CVs or professional portfolios, enhances their opportunities for promotion and career progression. The use of CC licenses signals that the Library acknowledges and respects copyright law. In fact, there are other library practices that result in additional administrative work for library employees—but that additional work is taken on due to legal or regulatory requirements, because doing so supports professional practice or just because it is the right thing to do from a moral or ethical standpoint. While implementing new procedures may seem burdensome at the outset, the extra steps will eventually become a routine part of employees’ everyday work.

Not all changes requested by content managers were adopted. The suggestion that content creators be required to specifically request attribution (rather than receiving it automatically) raised concerns with respect to equity, as well as compliance with copyright law. Instead, content managers agreed to include prompts for attribution details on intake forms, along with a checkbox where creators could indicate that they did not wish to receive attribution. It was also suggested that CC license statements on webpages be replaced with a hyperlink to a separate webpage containing license information. This idea was not adopted as it undermines the intended functionality of CC licenses, which are designed to be prominently displayed on works to visibly signal permitted uses.

The identification of so many potential issues with the Guidelines also pointed to a broader issue: the varying (and sometimes limited) levels of copyright knowledge among library employees, which tended to result in uncertainty, discomfort, and a measure of anxiety when faced with copyright-related questions. Some managers were specifically concerned about being asked to implement new procedures involving issues on which they had little or no expertise. Similarly, there were fears that misconceptions about copyright among employees of the Library would result in conflicts that managers would be required to resolve. In an effort to address this knowledge gap and increase the comfort level of our colleagues, we included some basic copyright information in our documentation and provided answers to specific concerns and questions in the FAQ. We hoped that—in addition to calming some of the trepidation that had surfaced over implementation—these documents would also provide context and education on copyright issues more generally. That said, it was clear to us that more work needed to be done to improve copyright literacy among our library colleagues generally.

### The Current Status

Implementation of the Guidelines at McLaughlin Library is currently in its early stages. Some of the agreed-upon best practices have been implemented, while others are still in development. We expect that it will take time for all teams at the Library to incorporate the Guidelines into their work practices.

McLaughlin Library's LibGuides—which were using CC BY-NC-SA licenses prior to the development of the Guidelines—now also display an attribution statement on any new or modified guides, as illustrated in Figure 1.



**Figure 1.** Example of an attribution statement on the McLaughlin Library's LibGuide for Using Open Access Repositories. The contributor is listed at the top left, directly underneath the title, so as to be readily apparent.

News items on the Library's website now display the CC BY-NC-SA license statement, as illustrated in Figure 2. The Library's Website Committee will be incorporating the statement into their templates so that it is a standard element of most webpages.

In the meantime, educational tools and support for library employees are being developed. A copyright site on the McLaughlin Library intranet has been set up with copies of the Guidelines and other relevant documentation to enable easy reference. The site also includes a folder of resources for those who wish to independently learn more about copyright or seek out answers to other copyright questions they might have. Workshops and training sessions will be provided at the

### Questions?

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### License



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**Figure 2.** Example of a Creative Commons license statement on a McLaughlin Library news item. A "License" heading is displayed prominently at the bottom of the page, with the logo and associated language for the CC BY-NC-SA license provided underneath.

request of members of the operations and management team and the senior leadership team. Additionally, a Training and Triage Guide is being developed to provide employees with basic copyright information specific to McLaughlin Library's context, including guidance for those in front-line service areas who most frequently receive copyright-related questions from users.

Our hope is that this knowledge will help to facilitate the handling of requests to reuse library content so that referrals are minimized, and requestors receive consistent, clear responses. We are optimistic that these measures will improve the copyright literacy of our colleagues over time, ultimately improving the accuracy and timeliness of the copyright services that McLaughlin Library provides.

### Conclusion

While the idea of developing copyright guidelines for works created by employees at McLaughlin Library was originally devised to address a very specific problem, the initiative quickly expanded in scope to include even broader objectives. It became evident early in the process that establishing best practices with respect to copyright around the Library's public-facing content also served to model those practices for the rest of the campus (and potentially for other institutions as well).

The obstacles we faced during the implementation process were illuminating, suggesting several areas for further exploration. The implication that few other academic libraries in Canada—who regularly advocate for the recognition of faculty and student copyright—were exercising due diligence when it came to asserting the moral rights and attribution of employee-created content raises concerns about complicity in the invisibilization of our own labor and reinforcement of structural inequities in the academy. The continued centrality of copyright to the work accomplished in academic libraries and the understanding that such expertise should be an "organizational imperative" taken on by all employees despite the seemingly evergreen challenge of inadequate training (Charbonneau & Priehs, 2014; Cross & Edwards, 2011) raise questions around job creep and vocational awe (Ettarh, 2018).

Despite the practical difficulties that arose with each subsequent iteration of the Guidelines, we learned that it was possible to foster an environment in which employees receive credit for their work in a visible way and respect for copyright is demonstrated and promoted. While copyright advocacy efforts at our institution had always championed user rights, less attention had been paid to



highlighting the rights of employee creators. The process of creating the Guidelines helped to reinforce the importance of maintaining the balance between “the public interest in promoting the encouragement and dissemination of works” and “obtaining a just reward for the creator” (Théberge v. Galerie d’Art du Petit Champlain inc., 2002, para 30).

Similarly, adopting CC license statements to provide highly visible information about the ways that McLaughlin Library’s content can be used and reused encourages awareness of both creator and user rights. Users are made aware that the content is subject to copyright ownership, but also that they are also granted specific rights by the creator. Lastly, by incorporating CC licenses into its public-facing content, the Library models and encourages open licensing practices for other creators on campus.

Whether through attributing creators of works or placing CC license statements on public-facing content, making copyright visible ignites interest and engagement within user and creator communities alike and results in a greater level of copyright literacy. Pursuing the implementation of these practices within McLaughlin Library sparked conversations about copyright that might never have occurred otherwise, enabling everyone involved to become more conversant in copyright’s language and concepts. We hope that by sharing both the wins and the challenges we encountered in creating and implementing the Guidelines, others who have expressed interest in undertaking similar initiatives at their own institutions will be encouraged to do so.

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