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Ways of evaluating the chosen rights solution

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Ways of evaluating the chosen rights solution.

December 2006

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1. Introduction

Our motivational survey highlighted that easily available support would be a motivator for depositors to contribute their teaching materials into a repository. Support with rights issues is particularly important because of the confusion over rights that exists within UK Higher Education Institutions (HEIs). We have identified possible support that depositors and end users could receive.

Some potential evaluation criteria have been identified to assess the licences that we have put in place. We aim to evaluate the experience of the depositor and the end user and assess each licence in terms of suitability and accuracy.

The intended solution is outlined in Figure 1, on page 4.

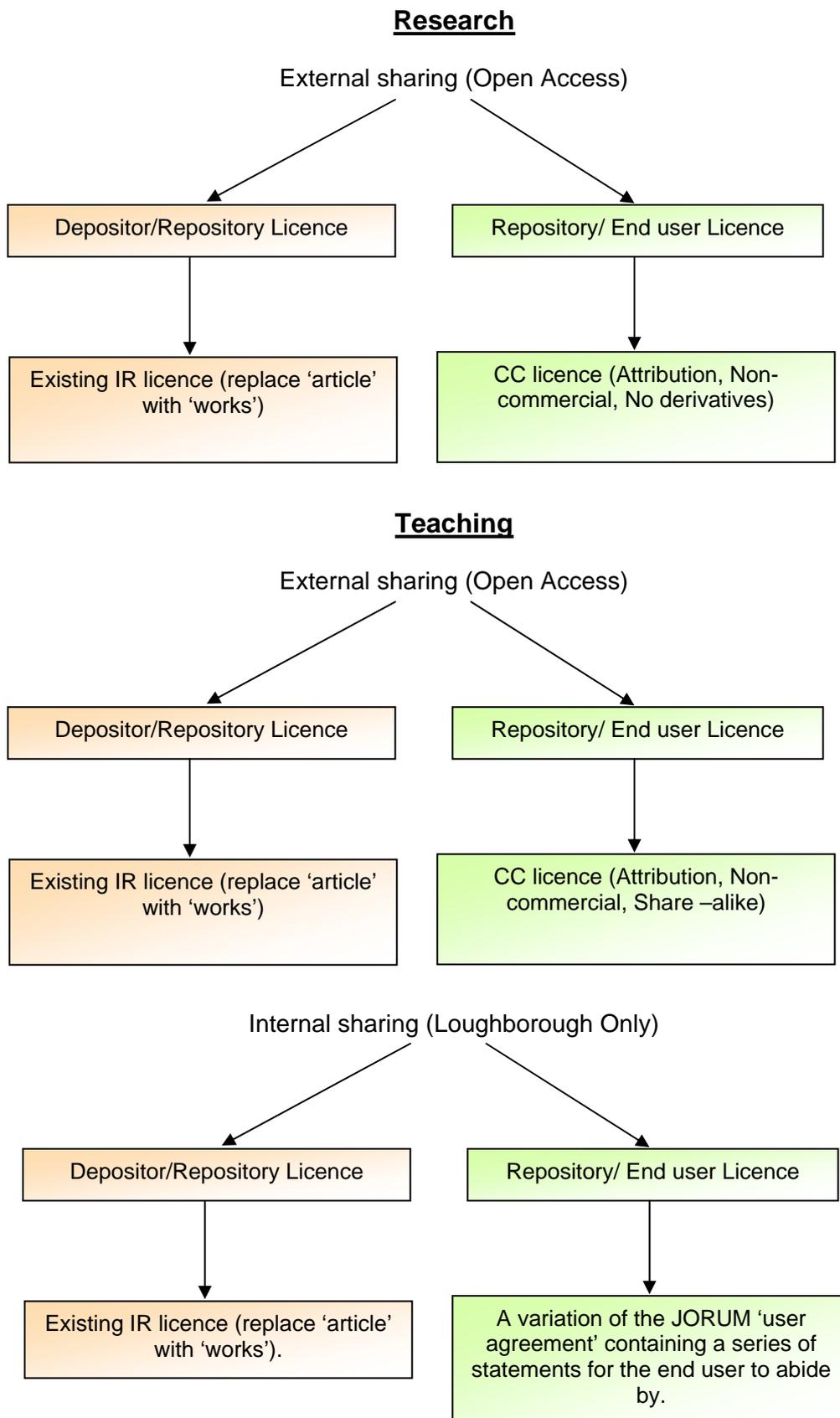


Figure 1: An overview of the chosen research and teaching material solution

2. Rights support

A number of parties have been identified, additional to project staff, that could offer support to the project. These are shown in Table 1,2 and 3.

Demonstrator Support for the development	Details of potential support
Loughborough University's Intellectual Property Office (IPO) (http://www.lboro.ac.uk/business/luel/pages/innov-intprop.html)	The IPO can offer internal information relating to IPR and teaching materials. May be able to give advice on problems they have faced in the past and can help overcome the problem of rights unawareness.
JORUM (Service in development co-ordinator) (www.jorum.ac.uk)	JORUM have carried out extensive work into rights related to repositories and teaching materials. Can give advice on their dealings with licences, ownership and other rights related issues.
Project steering committee	The committee, particularly Charles Oppenheim and Lizzie Gadd, can offer support from their detailed rights experience.
Trust DR Project (http://trustdr.ulster.ac.uk/index.php)	This project is also investigating rights and repositories.

Table 1: Demonstrator support – development and dissemination

Demonstrator Support for contributors/users	Details of potential support
University Library (http://www.lboro.ac.uk/library)	The systems team can provide experience with repository software and help to set up the demonstrator. They may also be able to give advice on technical aspects of rights issues. The Repository Manager has experience with rights issues relating to the existing repository for research. Academic librarians may have experience of general repository issues, including those related to contributing and retrieval, such as archiving and metadata.
EngCETL (www.engcctl.ac.uk)	The EngCETL will support the design and development of the repository and we will be able to use their academic contacts with whom we can pilot the rights solution.
Engineering Subject Centre (www.engsc.ac.uk)	We can draw upon their experiences with their successful resource database in many ways including rights.
Loughborough University's Copyright Officer	Offer guidance on copyright issues relating to the institution and teaching materials. The Copyright Officer and the Loughborough University Intellectual Property office may have similar or conflicting views.
Online Learning Development Officers (OLDOs)	Support could be given to the project regarding experience in dealing with academic rights issues.
Professional Development (www.pd.lboro.ac.uk)	Raising rights awareness in relation to repositories throughout the institution by offering appropriate courses.

Table 2: Demonstrator support - contributors/users

Other advice and contacts	Details of these contacts
JISC Legal Service (http://www.jisclegal.ac.uk/)	The IPR consultants can be contacted for advice relating to repository rights issues.

Table 3: Other contacts

3. Rights evaluation

The contributor licences that are piloted for the demonstrator repository need to be evaluated in a variety of ways. Some examples are shown in Table 4;

	Evaluation criteria
1	The difference between internal and external sharing licences
2	Use of click through licences
3	Understanding of licence (human readable) terms
4	Appropriateness of licence terms
5	Confidence in licence terms
6	Assistance/support available

Table 4: Evaluation criteria – examples

As Jones, Andrew and MacColl (2006, p.148) state, “licences are an excellent way of managing this process”. However, if the licence or licences are unclear, then it can become a barrier to contributing to the repository. Likewise, if the licence takes a long time to complete even if it only needs to be completed once, or if there is inadequate support available, this can have an effect on levels of contribution. The user’s terms and conditions will also be evaluated using some of the criteria in Table 4. We also need to identify whether those licences in place cater for the needs of depositors and end users. A small questionnaire could be distributed to a sample of depositors.

Using the Evaluation Criteria set out in Table 4, a questionnaire could be created for depositor and the user. The possible questions below, in Table 5 focus on depositors.

<p>1. About you Department, Estimate of PEDESTAL usage (no. of files uploaded, time spent each day/week on PEDESTAL, etc). How did you hear about PEDESTAL?</p>
<p>2. General questions</p> <ul style="list-style-type: none"> - Which PEDESTAL licence(s) have you used so far? - Were the two types of licence distinct? - Was it clear that the licence was for internal and external sharing? - Who owns the materials placed within PEDESTAL? - Which PEDESTAL licence most suited your needs?
<p>3. The internal depositor licence</p> <ul style="list-style-type: none"> - Were you confident that your IP would be protected under this licence? - Did any part of the licence reduce your confidence in the protection of your materials? If so, which part(s) did so and why? - How long did it take to complete the licence? - Were there any terms that you were unsure about? - Can you think of anything that could be included or taken out to improve this licence?
<p>4. The external depositor licence</p> <ul style="list-style-type: none"> - Was it clear that you would be giving worldwide access to your resource under this licence? - Were you confident that your IP would be protected under this licence? - How long did it take to complete the licence? - Were there any terms that you were unsure about? - Can you think of anything that could be included or taken out to improve this licence?
<p>5. Support</p> <ul style="list-style-type: none"> - Did you require any support or assistance in relation to the licences? - If so, as support easily available? Was the help useful? - What type of assistance would you like in the future? (i.e. online material, face to face contact etc).
<p>6. Any other comments</p> <ul style="list-style-type: none"> - Would you contribute to PEDESTAL again? - Please state any other comments that you have.

Table 5: Example questions for depositors

The appropriate Likert scales can be added to these questions, as appropriate.

4. Future developments

Clear guidelines for depositors and users are needed to clarify the rights associated with the teaching and learning repository. A series of FAQs will aim to explain what these parties can and cannot do with materials. FAQs reduce the need for depositors and users to contact staff by answering many of their questions in such documents. FAQs will be made easily accessible within the repository interface. Appendix A and B show examples of depositor and end user FAQs respectively.

Materials to promote the benefits of using the repository need to be produced for any repository system. It is important to highlight the distinct features of the service compared to existing institutional systems. However, these should be carefully worded so that it does not seem that the repository is competing with such systems but instead is providing new opportunities. Information in relation to the rights of depositors and users could be inserted to make it clear what the repository will do to help protect the rights of depositors. This, too, may overcome barriers associated with rights unawareness and could influence academics to become more willing to share their teaching materials.

We needed to tackle cultural issues in order for the rights solution to be effective within the repository environment. This became clear in our workflow study (Loddington et. al. 2006), which looked into the needs of different stakeholders in relation to a repository of teaching materials, it is important to gain institutional support.

5. References

Bates, M., Loddington, S., Manuel, S., and Oppenheim, C., 2006. Attitudes to the rights and rewards for author contributions to repositories for teaching and learning. Accepted for publication in the *Association for Learning Technology Journal (ALT-J)*.

Jones, R., Andrew T., and MacColl, J., 2006. *The Institutional Repository*. Oxford: Chandos Publishing.

Loddington, S., Bates, M., Manuel, S., and Oppenheim, C. 2006. *Workflow mapping and stakeholder analysis – final report*.

<http://rightsandrewards.lboro.ac.uk/index.php?section=21>, [accessed 15.09.06].

Trust DR project. *Homepage* <<http://trustdr.ulster.ac.uk/index.php>>, [accessed 14.09.06].

Appendix A – Example Depositor FAQ

1. Why should I contribute to PEDESTAL?

Whether its adding to your blog or uploading a set of files to PEDESTAL, all contributions help to showcase your research and teaching profile. By contributing to PEDESTAL, you are showcasing yourself, your achievements and your research and teaching interests. You can become part of different communities within PEDESTAL and discuss a range of issues with others. Uploading files to PEDESTAL is an excellent way of showcasing yourself and discussions enhance your collaboration with others.

2. Can I restrict the access to items I deposit within Pedestal?

Yes, PEDESTAL is flexible - you can choose the access conditions for each item you deposit;

- Private – work(s) can only be seen by yourself, the depositor
- Logged on users – materials are made available to users (staff and students) at Loughborough only.
- Public – work(s) are available to anyone world-wide.

You don't have to select one option for all of your deposited items, PEDESTAL allows you to select the access for each individual item. The access of an item can be changed.

3. What are PEDESTAL's responsibilities in relation to depositors?

PEDESTAL will make every effort to protect your work(s) placed within it. We will;

- add the work(s) to the repository so they are freely available to all authorised users for the lifetime of the repository;
- convert them as necessary to ensure they can be read by computer systems in the future;
- reserve the right to remove the work(s), if required to, for any legal or administrative reason.

4. What are my responsibilities as a depositor?

You must agree to the depositor licence (URL to be inserted here when available) for a each item, and in doing so declare that;

- You/Loughborough University are the copyright owner and/or have the right to grant us this licence
- The work(s) are original and to the best of your knowledge do not infringe anyone's copyright or any other Intellectual Property Right
- The work(s) do not violate or infringe any UK law

5. What if I am unsure whether I have permission to deposit work(s) into PEDESTAL?

At Loughborough University, all work(s) produced through the course of your employment are owned by the University, unless you have signed a contract to the contrary. PEDESTAL's robust depositor and user licences aim to protect the rights of the University and also ensure that you get proper accreditation.

6. The work(s) that I want to deposit was not produced through the course of employment for Loughborough University; can I still deposit?

You must check with the relevant parties before it is deposited into PEDESTAL. Loughborough University may own some copyright in the materials but in order to deposit into PEDESTAL, the work(s) must be completely cleared for deposit.

Depositors are responsible for ensuring that the item can be deposited and must check any agreement that has been signed that could be broken if work(s) are deposited. Depositors are also responsible for obtaining clearance of an item. However, we will help where we can.

7. What if the work(s) that I want to deposit has multiple authors?

Permission must be sought from all non-Loughborough users before the item can be deposited into PEDESTAL. If the other author(s) are from a different Higher Education institution, then they must check with the copyright policy of that institution and get necessary permission in order for the item to be deposited. If the author(s) is a company then permission from the company may also be required before any work(s) can be deposited.

8. What are others permitted to do with work(s) placed within PEDESTAL?

Whether you choose to restrict access to authorised users or make the items publicly available, the users can;

- Access PEDESTAL in order to search, retrieve, display and download PED
- electronically save the whole or any part or parts of PEDESTAL material;
- print out copies of the whole or any part or parts of PEDESTAL material;
- add to, delete from, modify or play parts of PEDESTAL material;
- extract (replicate) part or parts of PEDESTAL material for re-use into another work;
- add notations and/or commentaries to any part or parts of PEDESTAL material;
- Use any part or parts of PEDESTAL material as part of a composite work or a collection of works;
- Incorporate any part or parts of PEDESTAL material in virtual learning environments, managed learning environments and in any material to be used in the course of instruction, provided that by so doing, anything copied from the PEDESTAL Repository will not be accessible to persons who are not staff or students of your institution. Course and study packs in non-electronic non-print perceptible form, such as Braille, may also be compiled;
- Display, download, print any part or parts of PEDESTAL Material for the purpose of promotion of PEDESTAL Material and PEDESTAL.
- Publicly display or publicly perform any part or parts of PEDESTAL Material and Modifications as part of a presentation at a seminar, conference, or

workshop, or other such similar activity; so long as it not for commercial purposes;

- Use any part or parts of PEDESTAL material and Modifications for such other uses as may be conducive to education, teaching, learning, private study and/or research.
- allow current students of your institution to use PEDESTAL material and Modifications in accordance with the Copyright, Designs and Patents Act 1988. Each item used must carry appropriate attribution or acknowledgement of the source, details of the copyright notice and copyright owner.

On the conditions that the author(s) i.e. yourself, get accredited and that the work(s) is used for educational purposes only. Education purposes are defined as “the purpose of teaching, learning, private study and/or research”.

9. What are users restricted from doing with work(s) placed within PEDESTAL?

Users are breaking the PEDESTAL user agreement if they;

- Sell or resell any PEDESTAL material and/or Modifications of such material;
- Remove, obscure or modify copyright notices, or other means of identification or disclaimers as they may appear without prior written permission;
- Use all or any part of PEDESTAL material for any Commercial purpose or for any other than Educational Purposes;
- Display or distribute any part of PEDESTAL Material on any electronic network, including without limitation the Internet, and the World Wide Web, and any other distribution medium now in existence or hereinafter created, other than by a Secure Network.

Commercial Use is defined as “use of PEDESTAL material for the purpose of monetary reward by means of the sale, resale, loan, transfer, hire or other form of exploitation of the Licensed Material. For the avoidance of doubt, neither the recovery of direct cost by the Licensee from Authorised Users, nor use by Authorised Users of the Licensed Material in the course of research funded by a commercial organisation is deemed to constitute Commercial Use”.

The full user agreement for *logged on users* can be found [here](#) (link to user agreement). The *public users* agreement is expressed in two forms; the human readable summary ([click here](#)) and the full legal agreement ([click here](#)).

10. I am worried that materials will get misused?

Every effort is taken to restrict any work(s) from being misused within PEDESTAL. It is unlikely that any material will get misused. We have put a number of licences in place so that users know exactly what they can and cannot do with the work(s). We have kept these as simple as possible and clarify the terms and conditions of use.

We exercise a notice and takedown procedure in the event of a deposited item allegedly infringing copyright. If you, the depositor, believes that an item infringes copyright or has been misused in any way then please contact us at; help@pedestal.lboro.ac.uk.

11. Are my work(s) in a suitable 'state' to share them with others?

The community can use work(s) in different states and develop them in a variety of contexts. In many circumstances, users can benefit from 'as-is' content as well as work(s) that have been fully developed. PEDESTAL allows depositors to comment own work, and that of others. Depositors who feel uneasy about the state of their work(s) can add discussion and explain the context of their work(s) if desired.

12. Do I have time to deposit my work(s) to PEDESTAL?

We have made a concerted effort to reduce the time it takes to deposit work(s) to PEDESTAL. We aspire to make the process as quick and easy as possible. After the first couple of times you deposit, you get more familiar and efficient at doing so. With just a few minutes of your time the whole community can benefit from your work(s) and thoughts.

13. Is PEDESTAL unique to other systems that I use or know?

Yes, however, PEDESTAL does not aim to compete with existing systems at Loughborough University, but instead aims to provide new opportunities for showcasing research, teaching and interests. PEDESTAL gives you the ability to join different groups and discussions enhance collaboration at Loughborough and beyond.

14. Can I obtain statistics on the usage of my deposited work(s)?

From time to time we will be able to provide depositors with limited usage statistics. Examples include, the number of times a particular item is downloaded and the number of hits on a particular blog posting. PEDESTAL allows users to comment on a blog posting which the author and others can see. Therefore the number of comments per posting will be able to be viewed at all times.

15. What if I am still unsure about depositing to PEDESTAL?

If your question has not been answered within this FAQ, or if you are unsure about depositing to PEDESTAL, then please contact a member of the PEDESTAL team at; help@pedestal.lboro.ac.uk.

16. What if I have a suggestion to improve the PEDESTAL service?

We are continuously making improvements to PEDESTAL, if you have any suggestions or comments then please contact us at help@pedestal.lboro.ac.uk. We value all feedback that we receive and aim to develop this service that reflect experiences of depositors and users alike.

Appendix B – Example user FAQ

1. How do I register to use PEDESTAL?

Registering with PEDESTAL is very quick and easy. (URL to register page here when available). Just click on the register button and it takes a couple of minutes to create an account. You can then add to your profile, blog and resources whenever you like. So put yourself on PEDESTAL today!

2. What is in PEDESTAL?

PEDESTAL provides users with the ability to browse and search for people and content. A robust navigation and functionality is key to PEDESTAL's success in making it easy for the user to locate communities and materials. The navigation links down the left of each page provide the opportunity to browse interests, resources, blogs, groups and people. PEDESTAL has been designed to have a simple and easy to use interface.

3. Where can I view and contribute to discussions within PEDESTAL?

PEDESTAL provides each registered user with a blog, which can be used to record thoughts, opinions and links to other resources. A blog posting could focus on a specific article or topic of interest. Blog postings can formulate comments and discussion from other users as users are able to comment on other peoples' postings. The 'Browse Blogs' section will allow you to view different peoples' blog and the 'Browse People' link will allow you to locate people and subsequently view their blog.

4. What kinds of materials can I find in PEDESTAL?

A varied mixture of general and specific resources can be discovered within PEDESTAL. Discussions around different issues and files creates useful content in itself. Examples include case studies, teaching exemplars and guides. PEDESTAL gives you the ability to reach a varied group of people and aims to create bridges to bring the community together.

5. What are my responsibilities as a user?

You are responsible to adhere to a user agreement for a each item. You must not infringe anyone's copyright in any way and you should seek advice from the author of the work(s) or PEDESTAL if you are unsure about how an item(s) can be used.

6. What am I permitted to do with work(s) placed within PEDESTAL?

Whether you choose to restrict access to authorised users or make the items publicly available, the users can;

- Access PEDESTAL in order to search, retrieve, display and download PED
- electronically save the whole or any part or parts of PEDESTAL material;
- print out copies of the whole or any part or parts of PEDESTAL material;
- add to, delete from, modify or play parts of PEDESTAL material;

- extract (replicate) part or parts of PEDESTAL material for re-use into another work;
- add notations and/or commentaries to any part or parts of PEDESTAL material;
- Use any part or parts of PEDESTAL material as part of a composite work or a collection of works;
- Incorporate any part or parts of PEDESTAL material in virtual learning environments, managed learning environments and in any material to be used in the course of instruction, provided that by so doing, anything copied from the PEDESTAL Repository will not be accessible to persons who are not staff or students of your institution. Course and study packs in non-electronic non-print perceptible form, such as Braille, may also be compiled;
- Display, download, print any part or parts of PEDESTAL Material for the purpose of promotion of PEDESTAL Material and PEDESTAL.
- Publicly display or publicly perform any part or parts of PEDESTAL Material and Modifications as part of a presentation at a seminar, conference, or workshop, or other such similar activity; so long as it not for commercial purposes;
- Use any part or parts of PEDESTAL material and Modifications for such other uses as may be conducive to education, teaching, learning, private study and/or research.
- allow current students of your institution to use PEDESTAL material and Modifications in accordance with the Copyright, Designs and Patents Act 1988. Each item used must carry appropriate attribution or acknowledgement of the source, details of the copyright notice and copyright owner.

On the conditions that the author(s) i.e. yourself, get accredited and that the work(s) is used for educational purposes only. Education purposes are defined as “the purpose of teaching, learning, private study and/or research”.

7. What am I restricted from doing with work(s) placed within PEDESTAL?

Users are breaking the PEDESTAL user agreement if they;

- Sell or resell any PEDESTAL material and/or Modifications of such material;
- Remove, obscure or modify copyright notices, or other means of identification or disclaimers as they may appear without prior written permission;
- Use all or any part of PEDESTAL material for any Commercial purpose or for any other than Educational Purposes;
- Display or distribute any part of PEDESTAL Material on any electronic network, including without limitation the Internet, and the World Wide Web, and any other distribution medium now in existence or hereinafter created, other than by a Secure Network.

Commercial Use is defined as “use of PEDESTAL material for the purpose of monetary reward by means of the sale, resale, loan, transfer, hire or other form of exploitation of the Licensed Material. For the avoidance of doubt, neither the recovery of direct cost by the Licensee from Authorised Users, nor use by Authorised Users of the Licensed Material in the course of research funded by a commercial organisation is deemed to constitute Commercial Use”.

The full user agreement for *logged on users* can be found [here](#) (link to user agreement). The *public users* agreement is expressed in two forms; the human readable summary ([click here](#)) and the full legal agreement ([click here](#)).

8. Who owns the copyright in PEDESTAL materials?

Loughborough University own the copyright in PEDESTAL materials unless the material states otherwise. Loughborough University own the copyright of any works produced through the course of employment, unless employees have negotiated with the University to the contrary. In the event of any uncertainty, in the first instance please contact the author. You can contact the PEDESTAL team at help@pedestal.lboro.ac.uk.

9. Who can use PEDESTAL?

PEDESTAL is available to anyone, worldwide, however only members of Loughborough University can obtain a login name and password. Some items within PEDESTAL are available to anyone and some are restricted to logged on users.

10. Is PEDESTAL different to other systems that I use?

Yes, Pedestal does not aim to compete with existing systems at Loughborough University, but aims to provide new opportunities for showcasing your research and teaching material interests.

11. What if I am unsure about how I can use materials in PEDESTAL?

In the first instance, contact the author of the work(s), who will most likely be able to answer the query. For any other query please contact a member of the PEDESTAL team at; help@pedestal.lboro.ac.uk.

12. What if I have a suggestion to improve the PEDESTAL service?

We are continuously making improvements to PEDESTAL, if you have any suggestions or comments, then please contact us at help@pedestal.lboro.ac.uk. We value all feedback that we receive.