## Ethics and equity considerations in electronic resources work: An introduction to basic resources and practices to support librarians during the COVID-19 pandemic and beyond

By: Anna R. Craft

### Abstract:

The COVID-19 pandemic has brought innumerable changes to the lives of individuals and institutions across the country and around the world. In this uncertain time, access to information is crucial. Electronic resources were a significant content type for libraries prior to the pandemic, and the pandemic has only increased the importance of access to these collections. With the increasing reliance on electronic content and services, some libraries are having to make rapid shifts and transitions that may change the job duties of personnel, potentially bringing new personnel into the area of electronic resources work. This column seeks to assist such personnel, particularly in the areas of ethics and equity concerns in the electronic resources field. This column reviews the literature, offers resources for further reading and consultation, and considers how the COVID-19 pandemic may be affecting these issues.

**Keywords:** academic libraries | electronic resources | equity | ethics | libraries

### Article:

### Introduction

Electronic resources have been a growing content type in libraries for decades. But with the onset of the COVID-19 pandemic, e-resources have become even more critical, as many libraries are operating with reduced hours of public operation, and as many people are limiting their time in public spaces–or avoiding such spaces completely–due to health concerns.

The growing importance of and reliance on e-resources affects both library personnel and library users. Staff at many libraries are working fully or partially remotely or may be working in

physical library spaces while providing services to patrons who are at a distance. Schools, colleges, and universities at all levels have shifted instruction from in-person to remote, necessitating that students, teachers, faculty, and others engage with online learning systems and online resources that may be new to them. These users may lack access to physical library spaces and physical materials to support their learning and teaching needs, and they may need support to access and use electronic resources effectively. In order to meet the needs of these users and to support the wide availability of resources to online and remote users, some libraries are shifting financial resources from purchasing physical materials toward investing in additional electronic content.

Some libraries are also seeing shifts in job duties among personnel, where remote work situations and new and evolving institutional needs have led to changes in expectations as well as changes in the tasks that may be available for workers. E-resources work may have become a larger part of the jobs of library personnel who previously held duties in that area, while other library personnel may be entirely new to e-resources work due to job shifts made necessary by the pandemic. The rapid pace of change brought on by the pandemic has put many institutions and individuals in situations where they may be forced to be reactive–as opposed to proactive–in addressing the changing needs of their work and life. Prior to the pandemic, institutions may have had expectations about "normal" levels of training and professional development that would be provided to individuals in advance of major adjustments in job duties. The speed and magnitude of changes brought on by the pandemic may have shifted such expectations, due to the potential lack of available training and development funding, opportunities, and time. Library personnel in such situations may be seeking out learning opportunities and resources to support their work during this time. This column seeks to provide resources to assist such personnel, particularly in the areas of ethics and equity concerns.

Practitioners may encounter ethical and equity concerns across the field of librarianship, but the realm of electronic resources has specific issues and concerns that are unique to it. Those who are new to the field of electronic resources–as providers and as users–may also be new to navigating the ethical issues and equity concerns that are associated with this field. This column will consider the literature on this topic, offer resources for further reading and consultation, and consider how the COVID-19 pandemic–ongoing at the time of this writing–may be affecting these considerations.

**American Library Association code of ethics and other resources**

The American Library Association (ALA) first addressed ethics in the library profession in 1939, through the *Code of Ethics of the American Library Association*, which has seen multiple updates and amendments since that time (American Library Association, 2008). The ALA Code of Ethics addresses ethics broadly within the library profession and is available in full online (http://www.ala.org/tools/ethics). Additional documents provided by ALA offer guidance on related areas such as copyright, conflicts of interest, ethics and social media, and speech in the workplace (ALA, n.d.). Personnel who are seeking an introduction to ethical operating principles in libraries or looking for guidance on navigating ethical conflicts in libraries may wish to begin their research with these foundational documents.

Beyond support and resources from ALA, there are other librarians who have addressed general ethical concerns in e-resources work, and who have provided information to help others think through such issues. In 2002, Flowers provided a case study about a situation where information about librarians' experiences and interactions with a certain vendor was shared on library email lists, and this information impacted the decisions of other librarians regarding future work with that vendor. Flowers discussed the ethics of the situation and provided a list of resources that may help support librarians who are coping with ethical issues in their work. Her recommended resources can be applied to work in electronic resources, technical services, and other library contexts; these resources include organizational rules and policies, guidelines from national organizations, advice from trusted colleagues, literature on ethics, and one's personal value system (2002).

While the ALA Code of Ethics does not address electronic resources specifically, the eight principles within it can all be applied to e-resources work. Certain aspects of the ALA Code of Ethics are particularly relevant to the field of electronic resources and will be focus points for discussion in this column. These topics include the provision of equitable access to library users, the rights of users to privacy and confidentiality, and respect for intellectual property rights.

Equitable access

Equitable access is a cornerstone of ALA's Code of Ethics. In library technical services– including but not limited to the area of electronic resources–decisions about collections, access, technology, processes, and more can all impact library users finding and connecting to the resources they need (Skekel, 2008). For electronic resources personnel, considerations related to equitable access can encompass the selection and purchasing of resources and technologies, as well as the provision of services and support to users.

With many institutions facing budget cuts or financial uncertainty due to the pandemic, libraries are having to make tough decisions about which collections, resources, and technologies will receive new or continued funding. Such decisions can be considered ethical dilemmas with respect to weighing the needs of various constituencies, departments, and other users (Orick, 2000). Garofalo noted the importance of having a transparent process regarding resource review and decisions about potential cuts (2016). The implementation of a standardized process supports consistent decision making, while transparency about the process can help establish and further trust with constituencies, users, and colleagues. Henry discussed applying the ethics of care framework to the provision of technology in libraries as a way to remove barriers that create impediments for users. The ethics of care mentality addresses attentiveness, responsibility, competence, and responsiveness; Henry suggests that by applying these principles to the selection, maintenance, and support of technologies, libraries can serve all of their users more equitably (2016).

The shift to remote work and remote teaching for many librarians and educators has meant that many users of library materials–including some who previously may have preferred or primarily used physical materials–are now accessing these resources online. The provision of distance education and online resources are not new in the field, but for many institutions, the shift to primarily focus on these areas is the result of the COVID-19 pandemic. Library literature of the

pre-pandemic era addressed the divide that can exist between library services to in-person patrons and distance patrons, and the need to provide equitable services and access to all patrons, whether they are in-person or at a distance (Blummer & Kenton, 2017; Lebowitz, 1997; Needham & Johnson, 2007; Orick, 2000). As the profession grapples with the pandemic and its effects, many libraries and library personnel are facing this issue on a large scale, as their user populations have shifted to be primarily–or fully–online. Libraries must also consider accessibility issues in relation to their services and content–not just that the content and services are available online, but that they are accessible to patrons with a wide range of needs and abilities. In a recent article, McKelvey addressed the development of accessibility statements, specifically in relation to procuring accessible content. McKelvey also provided information about laws and policies that electronic resources personnel should be aware of when drafting such statements, as well as a list of recommended national, state, and local requirements that can inform these accessible procurement workflows (2020).

Privacy and confidentiality for users

The initial ALA Code of Ethics was written before the development and widespread use of the Internet, but the profession has long recognized the importance of protecting patron data, and library privacy practices and norms have evolved with the changing times. Seaman spoke about this issue as libraries were developing shared networks that offered patrons increasing opportunities for discovering and obtaining library materials. He pointed out that with increasing technology use, data gathering, and data sharing, come complications related to holding, maintaining, and sharing (or not sharing) data about patrons, and increasing responsibilities on the part of libraries to protect their patrons' data and privacy (1994). This mindset is reflected in the current language of the third statement of the ALA Code of Ethics: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted" (2008). This statement is critical when considering electronic resources, many of which are governed by contracts. Such contacts can include stipulations that impact the access and privacy of library users; so library personnel who are charged with negotiating and agreeing to contractual provisions should carefully consider how their patrons may be affected (Rubel, 2014).

The literature provides multiple suggestions for library personnel to consider in relation to patron privacy. In 2015, Ayala (2015) recommended two resources for library-specific online privacy initiatives. The first, "Library Privacy Guidelines for E-book Lending and Digital Content Vendors" from ALA, has since been revised and retitled "Library Privacy Guidelines for Vendors." This resource discusses the importance of protecting library users' privacy and confidentiality, the obligations that libraries have when working with third-party vendors whose systems will hold or engage with library user data, security and integrity of data, and more (2020b). This resource is now accompanied by the "Library Privacy Checklist for E-Book Lending and Digital Content Vendors," which provides a framework for libraries to follow when implementing the principles of the "Library Privacy Guidelines for E-book Lending and Digital Content Vendors" (2020a). Both of these documents are created and managed by ALA's Intellectual Freedom Committee, and as of this writing, both are freely available online.

The second resource Ayala recommended was the "Consensus Framework to Support Patron Privacy in Digital Library and Information Systems," provided by the National Information Standards Organization (NISO) (2015). The link to that resource now redirects to the "NISO Consensus Principles on Users' Digital Privacy in Library, Publisher, and Software-Provider Systems (NISO Privacy Principles)," with the full white paper available on the NISO site. According to NISO, this set of principles is meant for libraries, content providers, and software providers, and it "addresses privacy issues related to the use of library and library-related systems. This set of principles focuses on balancing the expectations library users have regarding their intellectual freedoms and their privacy with the operational needs of systems providers" (2015).

The International Federation of Library Associations and Institutions (IFLA) also provides guidance on privacy for library users. The "IFLA Statement on Privacy in the Library Environment" discusses privacy as a right, considerations relating to privacy in libraries, and sets out recommendations for protecting the privacy of library users. The statement and its recommendations are freely available online in English and seven other languages (2015).

While national and international guidelines are useful in setting standards and providing guidance for libraries and related institutions, it may also benefit libraries to develop internal privacy policies that are specific to their own websites and institutions (Balas, 2001). For those looking for guidance, the Library Freedom Project provides a Library Privacy Policy Template that is freely available as a Google Doc that can be easily accessed, copied, and edited. This document and other resources to promote and educate about privacy awareness within libraries and their communities are available on the Library Freedom Project's Resources page (Library Freedom Project, n.d.).

Respect for intellectual property rights

With the increasing provision of and reliance on electronic resources in libraries, library workers and library users may be encountering an increasing volume of issues and questions related to intellectual property and fair use. Many professors, lecturers, and other instructors at educational institutions across the country are teaching fully or partially online due to the COVID-19 pandemic, and many are new to online teaching. Instructors who previously relied on physical teaching materials–such as DVDs–may be finding that the same content is not available or has different restrictions in the online or streaming realm. Many of these educators may be seeking assistance from library personnel.

The ALA document "Copyright: An Interpretation of the Code of Ethics" states: "library workers are increasingly critical resources for copyright information in their communities" and "it is the library's responsibility to make sure all of the workers, not just librarians, are familiar with copyright laws that affect library services" (2019, January 29). But copyright and intellectual property are complex areas that can require advice or oversight from legal professionals, and not all libraries have staff with formal training in copyright and intellectual property law. With this in mind, ALA provides an online guide to "Copyright for Libraries." This LibGuide states clearly that it does not provide legal advice while offering basics about copyright, citations, and links to relevant resources and publications from ALA, suggested

language for library copyright notices, a dedicated page with information about copyright in relation to videos and movies, and information about Fair Use, the First Sale Doctrine, public performance rights, Creative Commons, and the Technology, Education and Copyright Harmonization Act (TEACH Act) (ALA, 2019 March 21).

With the inherent complexities and ongoing developments in the field of copyright and intellectual property, and due to the author's lack of a law degree or significant copyright expertise, this column cannot begin to address the full scope of library ethics and equity issues in relation to copyright and intellectual property for electronic resources. For those seeking library-specific support and training in these areas, several copyright training programs exist. A recent presentation from Pantalony, Courtney, and Hansen offered information on some of these programs, including Copyright First Responders, the Library Copyright Institute, and a joint effort between LYRASIS and the Columbia University Libraries to address copyright education. The slides from this presentation are available in full online (2020).

**Conclusion**

The full measure of the COVID-19 pandemic–its length and impact–is not known at the time of this writing. With this ongoing uncertainty, libraries and library personnel who have been impacted by the pandemic may not know when–or if–changes to their jobs, institutions, communities, and lives will revert to previous norms. In this uncertain time, access to information is crucial. Electronic resources were a significant content type for libraries and patrons prior to the start of the pandemic, and the pandemic has only increased the importance of access to these collections for libraries, patrons, institutions, and communities. Issues of ethics and equity impact all areas of librarianship, but in the current pandemic, electronic resources are at the forefront for many libraries, library personnel, and library patrons. With education and awareness of ethical and equity issues that can affect electronic resources–including access to materials, privacy and confidentiality, and intellectual property rights–libraries and library personnel can prepare themselves to manage these issues and other changes and challenges that they encounter in this field.

**References**

American Library Association. (2008, January 22). Code of ethics of the American Library Association. http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/proethics/codeofethics/Code%20of%20Ethics%20of%20the%20American%20Library%20Association.pdf

American Library Association. (2019, January 29). *Copyright: An interpretation of the Code of Ethics*. http://www.ala.org/tools/ethics/copyright

American Library Association. (2019, March 21). Copyright for libraries. https://libguides.ala.org/copyright

American Library Association. (2020a, January 26). *Library privacy checklist for e-book lending and digital content vendors*. http://www.ala.org/advocacy/privacy/checklists/ebook-digital-content

American Library Association. (2020b, January 26). *Library privacy guidelines for vendors*. http://www.ala.org/advocacy/privacy/guidelines/vendors

American Library Association. (n.d). *Professional ethics*. http://www.ala.org/tools/ethics

Ayala, D. (2015). Balancing patron privacy with patron data. *Information Today*, *32*(9), 18.

Balas, J. L. (2001). How should privacy be protected in the electronic library? *Computers in Libraries*, *21*(6), 53–55.

Blummer, B., & Kenton, J. M. (2017). Access and accessibility of academic libraries' electronic resources and services: Identifying themes in the literature from 2000 to present. In H. C. Alphin Jr., J. Lavine, & R. Y. Chan (Eds.), *Disability and equity in higher education accessibility* (pp. 242–267). IGI Global.

Flowers, J. L. (2002). Ethics within the serials family. *Library Collections, Acquisitions, and Technical Services*, *26*(4), 449–456. https://doi.org/10.1080/14649055.2002.10765881

Garofalo, D. A. (2016). Tips from the trenches. *Journal of Electronic Resources Librarianship*, *28*(4), 269–270. https://doi.org/10.1080/1941126X.2016.1243869

Henry, R. L. (2016). Library technologies and the ethics of care. *The Journal of Academic Librarianship*, *42*(3), 284–285. https://doi.org/10.1016/j.acalib.2016.03.013

International Federation of Library Associations and Institutions. (2015, August 15). *IFLA statement on privacy in the library environment*. https://www.ifla.org/publications/node/10056

Lebowitz, G. (1997). Library services to distant students: An equity issue. *The Journal of Academic Librarianship*, *23*(4), 303–308. https://doi.org/10.1016/S0099-1333(97)90137-3

Library Freedom Project. (n.d). Library freedom resources. https://libraryfreedom.org/index.php/resources/

McKelvey, H. (2020). The role of an electronic resources librarian in procuring accessible online resources. *Serials Review*, *46*(2), 76–81. https://doi.org/10.1080/00987913.2020.1772012

National Information Standards Organization. (2015, December 10). *NISO consensus principles on users' digital privacy in library, publisher, and software-provider systems (NISO Privacy Principles)*. https://www.niso.org/publications/privacy-principles

Needham, G., & Johnson, K. (2007). Ethical issues in providing library services to distance learners. *Open Learning: The Journal of Open, Distance and e-Learning*, *22*(2), 117–128. https://doi.org/10.1080/02680510701306657

Orick, J. T. (2000). The virtual library: Changing roles and ethical challenges for librarians. *International Information & Library Review*, *32*(3–4), 313–324. https://doi.org/10.1080/10572317.2000.10762520

Pantalony, R., Courtney, K., & Hansen, D. (2020, September 22). *Copyright as professional development: Emerging educational models* [Slides]. 2020 Miami University Libraries Copyright Webinar Series. https://copyrightconference.lib.miamioh.edu/wp-

content/uploads/2020/09/Copyright-as-Professional-Development-Emerging-Educational-Models.pdf

Rubel, A. (2014). Libraries, electronic resources, and privacy: The case for positive intellectual freedom. *The Library Quarterly*, *84*(2), 183–208. https://doi.org/10.1086/675331

Seaman, S. (1994, April 22). Confidentiality of patron records in electronic library circulation systems [Paper presentation]. 18th Regional Conference on the History and Philosophy of Science: Privacy and New Information Technologies. https://files.eric.ed.gov/fulltext/ED371723.pdf

Skekel, D. (2008). Ethical, unethical, or benign: Technical services decisions and access to information. *Journal of Information Ethics*, *17*(1), 20–27. https://doi.org/10.3172/JIE.17.1.20