

This month's Washington Hotline focuses not on what is happening in Washington, D.C. but what is happening locally at your colleges and universities. In October, the Recording Industry Association of America (RIAA), the Motion Picture Association of America, the National Music Publishers' Association, and the Songwriters Guild of America sent a letter to university presidents and provosts requesting that college administrators develop policies and specific procedures to stop file sharing on campus networks.

After meeting with RIAA, five higher education associations (the American Association of Community Colleges, the American Association of State Colleges and Universities, the American Council on Education, the Association of American Universities, and the National Association of State Universities and Land-Grant Colleges) sent a follow-up letter to university presidents reiterating the concerns of the copyright content industries. Specifically, both of these letters urge college administrators to develop codes of conduct regarding copyright and to develop procedures to take down, identify, or block peer-to-peer activities on campus.

Clearly, there is evidence that students are using peer-to-peer networks to share music and other files, and these activities are often, although not always, infringements of copyright. Widespread use of peer-to-peer technologies also can have an overall negative impact on campus network operations overburdened by the increased use of bandwidth. However, these letters make no mention of several additional concerns. Universities have never been in the business of policing campus computer networks and other communication venues on behalf of copyright holders or anyone else. In fact, intellectual freedom—the freedom to inquire, learn, and question without fear of reprisal or monitoring—is a central tenet of academe. Universities that choose to police the communications of the academic community,

particularly on behalf of a third party, run the risk of trampling intellectual freedom.

Content industries should be using legal mechanisms if they want to prevent people from engaging in file sharing. Universities should not allow themselves to be manipulated into enforcing private visions of the law without appropriate decisions from courts and legislatures.

Through their action, RIAA, copyright industries, and higher education associations have gotten the attention of college administrators. Now ACRL librarians need to act. Take advantage of this golden opportunity and be involved when codes of conduct and copyright policies are written. In fact, ACRL librarians should offer to chair the committees charged with these activities and ensure that a fully balanced approach to these issues is understood and espoused.

Why? Librarians understand copyright law. Librarians understand that copyright is not an effective law if it does not maintain the balance between the rights of copyright holders and the rights of those who wish to use copyrighted materials. We understand that copyright sets limits on the exclusive rights of copyright holders—and some file-sharing activities are absolutely lawful. We understand that our colleges and universities live and breathe copyright. It is our clientele that “advance the progress of science and the useful arts.” We are the obvious choice to play a leadership role in policymaking.

The content industries have advanced their position and, to a great extent, we understand their concerns. Piracy is wrong, students and faculty do need to understand and respect copyright law, and campus network broadband services need to be managed for the good of all. But there is more to the story that only we have the credibility to assert. Frequently sought out as the campus copyright experts, librarians work with both users and creators, embrace the free flow of information, and believe that even students deserve their day in court. Librarians know copyright. Don't sit idly by. Frankly, I don't think we want RIAA to tell us how to run our campuses. ■

---

Carrie Russell is copyright specialist for the Office for Information Technology Policy at ALA's Washington Office; e-mail: crussell@alawash.org