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# Integrating Copyright Coaching into Your Instruction Program

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**A**S LIBRARIANS AND MEMBERS OF THE ACADEMY INCREAS-  
ingly encounter users who are creators, contributors, and consumers of  
information, we are often tasked with answering a broad range of questions  
related to copyright and fair use. Course assignments at both the undergrad-  
uate and graduate levels often involve the transformation or repurposing of  
content—from film and music projects to mixed media art collages, to the  
more traditional paper or presentation. Learners across our campuses—fac-  
ulty, students, and staff—are working at the intersection of information liter-  
acy and emerging areas of scholarly communication. We have a significant role  
in helping these communities understand the value of information—their  
own information and that of others—as they pursue their scholarly and cre-  
ative endeavors. The Association of College and Research Libraries’ (ACRL’s)  
“Framework for Information Literacy for Higher Education” clearly states that  
learners should develop their capacities in copyright and the ethical uses of  
information.<sup>1</sup> Librarians are uniquely positioned to guide learners through  
the practice and acquisition of this set of information literacy skills. Estab-  
lishing the most effective way to provide this guidance—to a variety of groups  
and individuals with a variety of questions and needs—is the challenge.

First, let's consider how copyright education is currently provided at your institution. Is it provided as part of an instruction session? Through an online tutorial or video? Maybe you have opportunities to work with freshmen orientation classes, or perhaps you teach an in-person or online multi-week course. But whatever your opportunities are, would you say that they are opportunities to *coach* copyright? We discuss coaching as a pedagogical approach that is focused on addressing a particular problem or need, whether real or contrived, for the purposes of instruction. Coaching offers the opportunity to continually ask clarifying questions and to address the broad complexities of copyright and rights in a way that our usual teaching opportunities don't always provide. Coaching is thus an integral part of any copyright education program. But *coaching* copyright requires time—time to develop and account for a variety of contexts and scenarios, and time to understand some of the nuances of copyright law. Coaching also requires more time, since coaching usually takes the form of a one-on-one conversation with an individual who has a specific need. In this form, coaching echoes the characteristics of the consultation process. Librarians with instruction or reference desk experience know that sometimes our students and faculty don't know what they don't know and may not ask for what they really need when their inquiry begins. The same applies in copyright coaching. There are many complexities to the topic, so it is critical that consultation take place and that individual, unique details be considered when creating responses to these particular inquiries. Consultations require deep listening, developing rapport, reflection, and balancing the inquiries of the client with the expertise of the consultant.<sup>2</sup> In this chapter, the authors will look at copyright education in academic libraries and discuss its place within the ACRL "Framework for Information Literacy for Higher Education" (the Framework), and the opportunities to integrate its "Information Has Value" frame in particular. Additionally, the authors will discuss coaching's role in consultation and instruction, its overlap with high-impact educational practices, and examples of potential strategies and teaching scenarios for your copyright coaching program.

## **COPYRIGHT EDUCATION IN INSTRUCTION PROGRAMS**

A look into the literature concerning copyright instruction reveals examples of familiar pedagogical approaches, but there are few that explicitly describe or include the concept of coaching. Most typically, copyright instruction is offered through an online tutorial or course module, as a one-shot introductory overview, as a workshop or workshop series, or as an online or in-person course. There are challenges to applying traditional approaches to copyright education, however, because there is often little or no opportunity for personalization or consultation. And the challenge with personalizing copyright

education (and engaging in a more defined coaching model) is that it's difficult to scale. That's why so much copyright education comes in pedagogical packaging that is convenient: the online module or tutorial, for example, or an orientation-level introduction in a course. These are convenient and efficient ways to deliver content. These modes offer opportunities for awareness-raising and exposure to copyright concepts, but they have significant limitations if the content isn't developed as a *result* of coaching or isn't delivered *alongside* coaching. Also, importantly, these modes don't provide much opportunity for true coaching—to individualize content, to emulate real-life scenarios, to provide occasions for deep analyses, and to ask clarifying questions. So although they are convenient, these pedagogical approaches to topics of copyright and fair use may actually confuse learners or leave them feeling unsure. We must remember that copyright issues are complex, and most individuals are not actively engaging with copyright and fair use issues on a day-to-day basis. So without an opportunity for true coaching or consultation, individuals may be prone to apply their limited understanding inaccurately or inappropriately, or attempt to solve future problems with guidance they received on another issue entirely. Simple exposure to information literacy concepts is rarely sufficient, and instruction librarians will know this from their experiences with one-shot sessions intended to teach first-year students how to search databases. Without consultation and without defining a particular or individual need, the content is not readily retained and the learning outcome goes unmet. This is especially true for copyright and fair use education. There is a danger in implying that there are simple, generalizable answers to copyright questions. Overview or one-shot sessions—regardless of the audience—often oversimplify complex issues and frequently imply that there are strict, inflexible rules that people must abide by, regardless of situation, and ignore the nuances of individual cases. Asynchronous, online instruction is particularly problematic in this regard because there are limited opportunities for personal, individualized engagement and conversation about these complexities. Pre- or post-instruction coaching is critical in order to provide this personalization and to address specific questions and needs.

Workshops get us a little further in terms of coaching possibilities. Workshops (stand-alone or as a series) provide more of the much-needed time to develop contexts and work through individual or real-life scenarios. There is usually a way to make use of workshop time to effectively provide copyright content while also providing personalized coaching. As with many instruction attempts, timing is everything. Though scaling workshops is often relatively manageable, determining when, where, and how often these workshops are offered is a critical decision since, ideally, these should be offered at a critical point of need for learners.

Multi-week or full courses offer the best opportunities to engage learners in tailored, coaching experiences; they are also, however, the most difficult to scale, if they are a realistic option at all. Nevertheless, multiple meetings

throughout a course—however it’s delivered—give ample opportunity to coach learners through the complexities of copyright and to employ engaging, active pedagogies that personalize the content and provide time to acknowledge the nuances of copyright and fair use considerations. There are lessons to be learned from those who have attempted copyright instruction in the full course format. For example, in her article “Copyright for Undergraduates: Lessons Learned while Teaching a Semester-Length Online Course,” Tammy Ravas describes her approach to developing and delivering a semester-long copyright course and shares the course’s week-by-week structure.<sup>3</sup> She utilizes case studies as the basis of the course—an active, high-impact learning approach—along with online discussions. But despite having the benefits of a full, sixteen-week course, Ravas still encountered challenges. Primarily, these emerged as a result of the course being fully online. The online environment is challenging when it comes to active learning, but particularly with copyright education there are significant limitations. The asynchronous nature of that environment just doesn’t lend itself well to coaching, questioning, and consultation.

In their book chapter “Theft of the Mind: An Innovative Approach to Plagiarism and Copyright Education,” Clement and Brenenson describe a curriculum and learning outcomes that they implemented as a first-year student seminar course.<sup>4</sup> Their curriculum approached copyright education as a series of experiences for the students and not in terms of compliance and consequences. This provided the opportunity to engage students in the many gray areas of copyright and fair use scenarios, placed students in their roles as consumers and authors alike through role-playing, and allowed opportunities to discuss the uncertainties around real-life, “stripped from the headlines” copyright situations. The benefits of a face-to-face, semester-length course are obvious in the authors’ success with this course, which provides a model for copyright education programs that integrate active learning and coaching.

## **COACHING AS A HIGH-IMPACT PRACTICE**

What distinguishes coaching from our usual instruction is the focus on and consideration of a particular, individualized need. Let’s consider the differences between reading a book about pitching, hearing a lecture about pitching from a baseball player or coach, and practicing actual pitching techniques on the mound. Obviously, the actual pitching practice offers more opportunity for individualized, context-based coaching and qualifies as hands-on active learning. Advice and motivation are provided at the point of need. The combination of coaching and practice has immediate and real-life application, and is reliant on a relationship between the coach and the athlete. Pedagogical strategies that emphasize a coaching approach utilize role-playing activities,

real-life scenarios, and mock debates. These strategies personalize the content and put students in a variety of positions—creators, contributors, distributors, and consumers. Approaching copyright education within a *coaching* framework provides significant opportunities to personalize issues and problems and allows for recalibration on both sides—those of both the coach and the learner—based on the details and ambiguities of a given situation. It has often been suggested that individuals learn best when learning is problem-based, hands-on, and active.<sup>5</sup> Using principles from constructivism, problem-based learning begins with an authentic problem or task and utilizes a scaffolded approach to build skills and knowledge that are built upon previous skills and knowledge. These approaches are particularly useful in copyright coaching and education opportunities. Utilizing complex, open-ended questions or scenarios that put students or faculty into role-playing or mock debate situations provides a real chance to coach within a context, address ambiguities firsthand, test assumptions from multiple perspectives, apply possible solutions, and practice higher-order thinking skills—which are critical elements of the Framework. This can be achieved in a variety of instruction venues, but coaching must be an integrated part—either in planning and preparing for instruction content, within the delivery of instruction (when time can be made available), or in a post-instruction opportunity.

By now, most academic librarians are familiar with high-impact educational practices because their institutions design curriculums and programming that support student persistence and retention. High-impact practices (HIPs) include first-year seminars and experiences, common intellectual experiences, learning communities, writing-intensive courses, collaborative assignments and projects, undergraduate research, diversity and global learning, service learning and community-based learning, internships, and capstone courses/projects.<sup>6</sup> Academic libraries play a role in these practices through both their physical spaces and their information literacy instruction programs.<sup>7</sup> For example, group study rooms and other library spaces allow for completion of collaborative assignments and projects and finding credible sources for a research paper occurs during a hands-on information literacy session. A review of selected literature on HIPs found that while information literacy competencies (as librarians understand them) are often included in high-impact practices, the literature does not refer to these skills and competencies as information literacy.<sup>8</sup> HIPs place an emphasis on collaborative problem-solving, transferrable skills, and the real-world application of learning. Copyright education is best provided in this way, too. Working through actual, real-life problems with learners is a tremendously effective way to relay the nuances of copyright while also answering real questions. While we know that one answer will not address all future situations, we know that working through known problems and discussing possible solutions that have appeared in case law will likely result in some transferability of copyright skill.

And we wouldn't be discussing copyright questions if we didn't know that there are real-world applications and needs for answers. Copyright is a real-world problem and one that many learners never consider without prompting. Regardless of need and regardless of how copyright instruction is delivered, learners must be given the opportunity to apply their knowledge in order for meaningful learning to occur. Copyright education lends itself perfectly to this kind of active, coaching approach.

## **COPYRIGHT COACHING OPPORTUNITIES IN THE FRAMEWORK**

Copyright is clearly reflected in the ACRL “Framework for Information Literacy for Higher Education” through both its “Information Has Value” and “Scholarship as Conversation” frames. “Information Has Value” includes explicit language regarding both a legal and ethical understanding of intellectual property, and “Scholarship as Conversation” recognizes an ongoing scholarly conversation that builds upon the work of others in creating new knowledge. Additionally, the Framework shifts our thinking of students as merely consumers of information, to creators of information as well. Empowering students in their roles as creators of information is not something born out of information literacy; it is an undercurrent of high-impact practices as well. If one of the goals of HIPs is the application of learning to real-world situations, one method for achieving that goal is to create assignments for students that require the real-world application of learning. Often, this application of learning to a real-world problem results in the production of new knowledge. In these cases, knowledge production is the pedagogical approach. Furthermore, when students use the many online publishing tools that are available for both creative and collaborative endeavors, their class projects become publishing activities. Librarians encounter knowledge creation projects all the time. We see them when we consult with faculty on library instruction sessions, and we hear about them as “best practices” through the teaching centers on our campuses. These encounters are opportunities for coaching copyright.

One HIP that has a natural overlap with librarians' work is undergraduate research. Here is our best opportunity to work with students throughout each step of the research process. It is a natural fit with our tried-and-true “finding sources” instruction, but it also allows for more advanced learning as we help undergraduate researchers write literature reviews, collect and manage their data, and ultimately publish their own research. A recent study by Riehle and Hensley sought to understand undergraduate researchers' perceptions of scholarly communication and found that these students “could not accurately address copyright and author's rights as applied to their scholarship,” that they “rarely receive specific guidance but instead follow leads of problematic

data management practices,” and that they struggle to determine the impact of the research.<sup>9</sup> All of our librarian readers are thinking, “We can help with this!” and yes, we can, but it can’t be accomplished through a one-shot instruction session, and it can’t be accomplished through an online tutorial. Riehle and Hensley suggest that their findings represent an opportunity to support student researchers, and this is true, and in many cases we already do. But a real opportunity to scale our coaching lies in the overlap with the HIPs occurring on our campuses. The authors ask, as more institutions increasingly integrate HIPs as part of the undergraduate experience, will those coordinating these programs “understand the importance of supporting students’ information use and scholarly communication-related issues relevant to their roles as knowledge creators?” Anecdotally, and through our one-on-one consultations with faculty on their assignments, we know the answer is frequently no. The first step to overcome this is to develop partnerships. What happens next is coaching. This is true in all of our information literacy efforts, not just formal, undergraduate research experiences. We coach and consult with faculty and instructors all the time to develop relevant, point of need, outcome-based instruction. We coach and consult with them through assignment design, scaffolding, and setting students up for success. Working with faculty and instructors to develop problem- and scenario-based, real-life instruction opportunities in the realm of copyright serves two purposes: we design meaningful instruction and coaching opportunities for students, and we provide an opportunity to relay copyright content to faculty and instructors, too. When copyright coaching occurs during these types of instruction-related consultations, it is focused not only on the anticipated needs of the students, but also on the faculty/instructors’ need (though they often don’t know they have one).

## STRATEGIES AND SCENARIOS

Since consultation is already part of many librarians’ job responsibilities, it is within those conversations where we are most likely to find copyright coaching opportunities. Coaching needs to be focused on the unique needs and desired outcomes of the client/learner. This should feel similar to our approach to teaching and preparing for library instruction. When instruction librarians end up coaching copyright, it is not often because of a copyright-related question. Instead, it comes about because the librarian recognizes an eventual overlap with students’ knowledge creation. When we consult with faculty in preparation for library instruction, some questions to ask them (or at least have in the back of our minds) might be: What do you want your students to produce? What can they learn about their own rights and responsibilities as part of the production process? While faculty may begin by relaying the information needs of their students (e.g., ten scholarly sources for their final

project), the copyright coach's role is to listen for clues indicating knowledge production. While librarians may still provide assistance to students on where and how to find and evaluate information, they may also provide resources related to information ownership as it pertains to the students' writing and creative works that result from their completion of course assignments.

Let's consider how copyright education is a part of your instruction program. If it is not already there, you should include copyright education as part of your overall information literacy curriculum. This can and should take a variety of forms. The first form is through information literacy instruction. You can utilize the "Information Has Value" frame to develop learning outcomes for your instruction program that include copyright. The Framework provides language in its knowledge practices and dispositions that are easily translated into learning outcomes. You will see examples of this language in the scenarios below. These learning outcomes should be written at both the program level and the individual assignment or library instruction session level. To supplement face-to-face instruction, you can create topical resources on copyright such as LibGuides, handouts, videos, and interactive tutorials. These resources can be embedded throughout a course or assignment in order to scaffold copyright skills. The availability of these resources can help instruction librarians as they consult with faculty to negotiate the time spent on these topics in an already full course schedule. We, as librarians, also need to model good copyright and fair use practices in our own materials such as presentation slides, handouts, and other instructional materials. You can include appropriate Creative Commons licensing on all of your instruction materials. And finally, if your library offers for-credit classes, you should consider adding a course dedicated to information creation and copyright.

Your copyright coaching program should be a part of your instructional program, and will be more successful if you work and consult directly with faculty and other campus instructors. Copyright education should be in the minds of librarians as they work with faculty and campus partners to integrate information literacy skills. You should look for opportunities to discuss the "Information Has Value" frame as you negotiate assignment design and instruction sessions. As with instruction consultations, you should start by asking what exactly students are being asked to do. It is possible that the faculty member doesn't recognize the copyright issues at play when they design assignments. Positioning students as experts in role-playing or scenario-based assignments are immensely effective, encourages critical thinking, and is a valuable instructional opportunity when you work with faculty and their courses.<sup>10</sup> This practice often results in the outward-facing knowledge creation that lends itself to copyright questions. Unfortunately, the copyright implications inherent in these types of assignments seem to rarely be discussed (at least in our experience) in curriculum development opportunities that take place on our campuses. Librarians can take on the responsibility for "closing the loop" for students as creators of information by coaching them on their

end product—and in this way, students begin to take a small part in scholarly conversations with an understanding of their rights and responsibilities as knowledge producers.

It is helpful to keep a “store of examples” consisting of scenarios for discussion with students and assignment examples to share with faculty and instructors. If your library has incentivized opportunities for information literacy integration, you should make one offering that is specific to copyright. For example, you can assist faculty in developing a copyright assignment that includes appropriate Creative Commons licensing so that it may be adopted for use by other instructors. Finally, identify opportunities to provide workshops that can help develop individual students’ understanding of copyright concepts, and which can also assist faculty and instructors’ efforts to help their students understand these concepts. Remember, coaching is a truly effective way to relay the nuances of copyright and fair use, but it must be purposefully integrated into your copyright education program and information literacy activities and outcomes.

In the spirit of real-world and scenario-based learning, let’s walk through three coaching copyright scenarios that could be integrated into your instruction or could help you identify opportunities for copyright coaching on your campus and within your library. We offer these as possible teaching tools, but also as food for thought as you determine the activities and outcomes of your copyright education program.

## SCENARIO 1

In my role as a librarian, I recently attended a training session for university staff and faculty who teach a first-year experience course. Part of the training was to introduce a new assignment (an annotated bibliography) that would be included in all sections of the course. The program coordinator had piloted the assignment in her own class, and she offered to provide examples of student papers to help instructors with grading their own assignments. At the suggestion of her supervisor (whom I had advised before on fair use and instructional materials), she contacted me for guidance on the legal and ethical considerations concerning sharing students’ work with other instructors. She knew enough to understand that she needed to get permission from the students, and she had searched online for an example of a permission form. For the most part, the permission form she shared with me was good. It referenced U.S. copyright law and FERPA, it provided students with options as to where their work would be shared (e.g., Blackboard, course website, course reserves, etc.), and it gave students the option to include their name with their work or leave it anonymous. At the end of the form, before the signature, was the following statement, “I will identify any copyrighted content I did not create and which is not fair use so that my paper/project may be properly restricted

to distribution only within the campus community.” This final statement on the form gave me pause. The form was intended for first-year, first-time students enrolled in an orientation seminar. I myself had been involved with curriculum development for this course for six years, and I had taught this course as the instructor of record ten times. Because of this experience, I had two concerns with this statement: first, the curriculum for this course does not include instruction on the attribution of sources in general, let alone any discussion of copyrighted content; and second, the reality is that students, especially first-year students, will not understand the nuances of fair use. This means that they are likely to sign the form without really understanding what it is that they are signing.

Since I had a hunch that the form needed revision, I brought it to one of my copyright colleagues for review. She agreed with my concern regarding the final statement and recommended that the wording be changed to read “I will identify any copyrighted content I did not create and include appropriate attribution.” And to add a final statement stating “I represent that this submission is my own original work and that my project does not, to the best of my knowledge, infringe upon anyone’s copyright. I also represent and warrant that this submission contains no libelous or other unlawful matter and makes no improper invasion of the privacy of any other person.” In addition to discussing how to revise the wording on the form so it would be appropriate to the purpose, I brought up the point with my first-year experience colleague that it was likely that the instructors themselves did not understand the concept of fair use. The majority of individuals who teach these courses are student affairs staff who do not regularly have teaching responsibilities. They don’t usually have a background in education or curriculum and likely have never considered fair use in this course or any other one.

In consulting with my first-year experience colleague, I raised these points and suggested that this might be a good instructor development workshop in the future. She agreed, and we are now in conversation about holding the workshop for instructors. In this scenario, I played the role of both client/learner and coach. I was coached by my copyright colleague on how to best respond to the first-year program coordinator, and I coached my first-year experience colleague. I now have the additional opportunity to become a coach to other instructors through a future workshop. This scenario reaches multiple audiences. The first audience is my first-year experience colleague, a campus partner responsible for implementing an HIP (first-year seminars and experiences). The second audience is the instructors who teach the first-year course, and the third audience is the students enrolled in the first-year course. In my role as coach, I need to consider all of these audiences, my learning outcomes for each, and how this fits into my copyright coaching program.

When my first-year experience colleague approached me with the permission form, it was my recognition of the overlap between program needs (sharing students’ work to assist instructors with their own teaching and grading)

and the eventual needs of the students that prompted my coaching. I wanted to ensure that students were provided with the information they needed to make an informed decision about how and where their copyrighted works were shared. When I workshop with the instructors who teach the first-year experience course, my end goal will be to equip them with enough information about copyright and fair use that (1) they will apply appropriate fair use considerations to any information they are sharing with students in their teaching capacity, and (2) they will know how to explain the permission form to their students in such a way that the students can make an informed decision.

## SCENARIO 2

The second scenario begins with an e-mail from a librarian who was unknown to me, but who referenced an application for an award that I had submitted the previous year. In the message, the librarian asked me if I would be willing to write a brief summary of the work referenced in my application and, if so, allow it to be included in an open-access book. Thrilled at the prospect of being contacted to contribute to a book, I responded by asking about a deadline and how lengthy a summary was needed. In response, an individual in the book publisher's marketing department contacted me. Their response included a link to a "case study draft" that referenced my institution by name. This "draft" was, in fact, word-for-word plagiarism of my award application. I was shocked. Not only was their "draft" my original copyrighted material, but the "draft" was already being promoted and was available for downloading as part of the book without any attribution. At no point had I transferred copyright or given permission to use my work. This publication was using my original expression without my permission and this was copyright infringement, and besides, asking for permission after the fact is not good practice. It concerned me deeply to know that a publisher that trades in information literacy content—and was promoting an open-access publication—didn't seem to understand the ethical use of information, which is a basic tenet of information literacy.

To be sure that I had a full understanding of my own rights and that my response would be written as such, I sought counsel from the scholarly communications experts in my library, one of whom is a copyright lawyer. They confirmed that yes, copyright had been violated and yes, plagiarism had taken place. They advised me on the correct terminology to use in my response and reviewed multiple e-mail correspondence to ensure the language was appropriate. In this scenario, I was coached by my expert colleagues to make the decision that was best for me. They both asked me early on about my desired outcome (an excellent question and coaching strategy), and while the thought of my work being included in the publication was tempting (who doesn't enjoy an invitation to publish?), the practices of this particular publisher were dishonest to the point that I didn't want my name associated with what I knew

were questionable publishing practices. Ultimately, I requested that my copyrighted content be removed entirely and not be included in the publication. This scenario highlights the importance of coaching within the librarian community and knowing when we have reached the limits of our own knowledge and require coaching to move forward in our professional decisions.

### SCENARIO 3

We've all heard some variation of the saying, "If you give someone a hammer, everything is a nail." This phrase implies an overreliance on a familiar strategy and is often used to describe new learners as they develop their problem-solving skills, but it can also apply to understanding copyright and fair use. Years ago, I cautioned an instructor against scanning chapters from books and posting them to his Blackboard course for students to use. At the time, I did not know this individual well and I myself was not very well-versed in fair use considerations. I cautioned him that his practice might not be fair use and that he could only share a certain percentage of the work for his posts to be considered fair use. He asked me what that percentage was and I said, "I think it is 30 percent." Admittedly, I didn't know as much about fair use at that time, and I now know that "black letter" rules like this aren't the best approach or are accurate in all situations. But the point in this scenario is that this individual continues to use the 30 percent suggestion as a hard-and-fast rule applied to all things he wants to consider fair use, and he often quotes this percentage to other instructors. Examples such as this are useful as we consider the idea of "coaching copyright." In many cases, an individual will identify a solution to one copyright problem and then continue to apply that same solution to all copyright issues, when in fact he may need coaching in many different areas. Earlier in this chapter, we discussed that working through problems and discussing possible solutions should result in some transferability of skills. In this scenario I took the opportunity to raise awareness of fair use (at best), but I failed to provide coaching. Had I spent some time coaching this instructor on the many considerations necessary to determine fair use, rather than giving him a "black letter" answer, perhaps he would not continue to quote that 30 percent is the rule.

### CONCLUSION

In this chapter, we have discussed how copyright education is typically delivered, the necessity for copyright education as an information literacy concept and its overlap with HIPs, and we have also identified some of the situations that librarians encounter which offer opportunities to coach copyright. Librarians are uniquely positioned to coach copyright, and the ACRL Framework provides significant guidance in this regard. Coaching provides the best

opportunities for learners to understand and apply copyright and fair use concepts in a real-world, personal way. As faculty and students increasingly explore information in new ways, and simultaneously take on the roles of creators and consumers, understanding the nuances of individual copyright situations will become increasingly important. Coaching takes time, however, and copyright is complex. But real, high-impact learning can occur in information literacy programs that integrate copyright coaching.

## NOTES

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