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ETHICAL ISSUES IN REFERENCE: CHALLENGES AND SOLUTIONS

Lili Luo

13.1 Introduction

Ethical principles of the library and information profession are of great importance as librarians strive to bring to the public unbiased and equitable services, matched with the promise of confidentiality and the safeguarding of intellectual freedoms. Particularly in the digital age, our collective understanding of ethical issues needs to be reevaluated and reinterpreted in response to the all the changes brought by technology evolution and social transformation (Cassell & Hiremath, 2012).

As an educator, ethics is a critical topic that I cover in my course "Reference and Information Services". Reference librarians are at the forefront of libraries' public service. It is imperative for them to maintain the highest possible standards of diligence and ethical conduct under time restraints that often require compromise. To explore how reference librarians handle ethical dilemmas at work, I conducted a survey study to seek answers to the following questions:

- What kinds of ethical dilemmas do reference librarians encounter in the different venues of reference work?
- How do they uphold the American Library Association's Code of Ethics (or other professional organizations' code) and resolve the dilemmas?

- What are the ethical issues they consider most challenging in reference work?
- What kinds of training on ethics have they received?
- What kinds of support do they need to successfully adhere to a shared code of ethics, providing quality and uncompromised services?

13.2 Procedures

An online survey questionnaire was developed to collect data to answer the above questions, and it was distributed to the target study population – reference librarians in the United States. Since individual members of this population are not identifiable via any sampling frame, the possibility of probability sampling design was ruled out. Thus, a non-probability sampling technique, judgmental sampling, was used to select a sample from the population. Judgmental sampling is a type of non-probability sampling in which the study units are selected on the basis of the researcher's judgment about which ones will be the most useful or representative (Babbie, 2012). An educated judgment is made that reference librarians are likely to be subscribers to the three most popular professional email listservs related to reference and information services: LIBREF-L, ILI-L, and DIG-REF. Therefore, an invitation, including a link to the online survey, was sent to the three listservs to invite participation from reference librarians. The survey was open for three weeks. One week before the survey closing, an email reminder was sent to encourage more participation. A total of 212 valid responses were received. Among the respondents, 80% work in an academic library, 16.9% in a public library, and 3.1% in a special library.

13.3 Results

Ethical dilemmas take place in a variety of venues, as shown in Table 1. The reference desk was reported to be the most popular venue–

more than 80% of the respondents indicated that they have encountered ethical dilemmas at the reference desk.

Venue of Reference Work	% of respondents that encountered ethical dilemmas
At the reference desk	80.70%
Via telephone reference service	31.60%
Via email reference service	30.70%
During information literacy instruction	30.20%
Via chat reference service	27.80%
During reference collection development	21.20%
Via social media	9.90%
Interactions with colleagues at the library	4.20%
Via text reference service	3.30%
Individual interactions with library users outside of the reference area	3.30%
Non-reference collection development	2.40%
At the circulation desk	1.90%
Use of technical facilities such as computers and printers	1.90%
Other service areas such as coffee shop, exhibits, or during roving reference service	1.90%

Table 1 Venues where librarians encounter ethical dilemmas

Regarding the types of ethical dilemmas that reference librarians encounter, as shown in Figure 1, the two most popular categories were copyright issues and confidentiality and privacy issues.

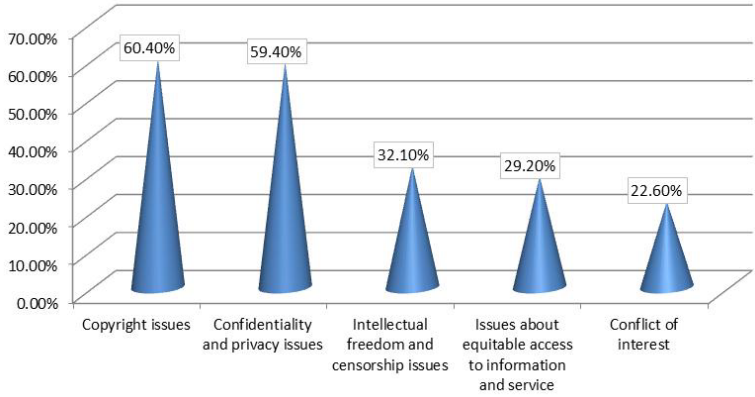


Figure 1 Types of ethical dilemmas

For each type of ethical dilemma, respondents were further asked to provide examples to illustrate the dilemmas they have encountered. Five representative quotes are selected for each type of ethical dilemma and presented below (quotes are recorded verbatim).

13.3.1 Quotes Related to Copyright Issues

- *Patrons have asked for help making copies of library CDs and DVDs.*
- *Faculty want me to place items not owned by the library (or themselves), onto reserves. The library director instructs us to scan/print huge amounts of materials borrowed from other libraries to use consistently in classes. The library director engages in reproducing VHS tapes into DVD for check out.*
- *Numerous students make photocopies of their required text books that we keep on reserve.*
- *There is a rule of passive acceptance in my library if students want to copy it, but I was*
- *instructed never to place my hands on the book on the copy machine as I cannot be an active participant in copyright*

infringement. However, many of the students speak English as a second language, so trying to describe how to use the copy machine in the past has not helped and I've had no choice but to place the book on the copy machine to show them, and then press the copy button.

- *A faculty member wanted a current issue article and for some reason could not follow directions to get to the journal via the library website. He wanted me to email it to him, but our license did not allow for us to download the pdf, it was view only. He insisted we send*
- *him the article though, so we made a pdf of the website with the article. It was wrong of us to do that.*
- *Just yesterday, I advised a faculty member that scanning half of the text book and loading it on to 7 flash drives to give to his students was a violation of copyright laws. He said he understood. But I bet he does it anyway because he doesn't want to make the students by a*
- *$150 dollar textbook for one class. I've also told faculty members they can't upload entire works to our learning management system and I've told our student affairs department they can't publically show movies without a license even if they do it for free. (Boy I was not popular that day!)*

13.3.2 Quotes Related to Confidentiality and Privacy Issues

- *On chat reference, bored kids will sometimes submit prank calls. Sometimes this gets out of hand and I have to contact a school administrator or teacher, who inevitably wants more detailed information. One time students were picking on another student by giving his name instead of their own and asking sexual questions. The administrator wanted me to report the name being used in the chat, but I had no sense that the administrator knew*

that this person was the victim and not the perpetrator. On other occasions, a teacher will ask to see a transcript of a student's chat with us in order to verify that she had completed the assignment on her own. A patron was being harassed - another person was using her email address and entering it on our chat service and asking sexual questions. The patron has asked for a chat reference transcript to be saved so we could send it to the police. We replied that the police would have to issue a warrant.

- *I was a Gov Docs librarian in Arizona. I got a series of calls from a patron while I was on the desk. The patron was tracking down information from a notebook she bought. It contained instructions on what & where to file forms to never pay income tax again. It was a scam but patron confidentiality prevented me from following up. Fortunately, the AZ Attorney General also found out and shut the operation down.*
- *Library staff members, although having been told privacy and ethical standards continue to comment on specific patron's research habits/materials requested. Other library staff reads items printed for patrons at the printer.*
- *Many of our Internet users seem to have complete faith in us. They are willing to give us all sorts of their information- Pin#'s, bank account info... if we would help them on the Internet. We can only go so far for ethical reasons. Even when they are typing in their PIn # in my presence I turn my head - just so they won't think I'm looking at their private info. They often need our help at the print station where they again have to enter their BarCode # and Pin.*
- *Students asking for access to information about accessing other student's personal information. Students and faculty asking for assistance in looking up grades other than their own, or the library borrowing history of other patrons.*

13.3.3 Quotes Related to Intellectual and Freedom and Censorship Issues

- *Dealing with patrons who have issues with the library providing information on controversial topics such as abortion, legalization of marijuana, Islam...*
- *One of the librarians I work with has extreme biases that s/he refuses to acknowledge.*
- *These are apparent by sources provided to patrons during a reference interview/meeting*
- *I work at a private religious college. Resources that might appear to challenge certain faith- based ideology are discouraged.*
- *In social media, sometimes someone will post a criticism or complaint. We actually had library staff who assumed our response should be to delete those posts. We did not do this (unless they were abusive). I also encounter this during reference collection development. Is exclusion censorship? What happens if the viewpoints of the "majority" or a particular culture are everywhere and we're not collecting things that we assume are "outliers?"*
- *I discovered that our library system is the only one in our consortium that has a copy of a controversial book. In fact we have two copies, one of which is currently checked out. The book in question is one that has been linked to deadly child abuse. I feel conflict here because*
- *non-discriminating readers of the book could follow the parenting advice in the book to extremes and potentially cause harm to children, or death in three documented cases. On the other hand, if I choose the remove the book because of the potential danger then I would be censoring our collection. Where would the censorship end? Would I then remove Fifty- Shades*

because it has potential to increase promiscuity which is also dangerous? Would I

- *remove books about guns? No, I would not. I would trust the readers to make good judgment.*
- *I would remember that some topics are researchable and it doesn't matter the motivation for reading a certain book. However, the fact that the "victims" of the parenting book in*
- *question are innocent children give me pause.*

13.3.4 Quotes Related to Issues About Equitable Access to Information and Service

- *A text messaging patron was treating our service as his best friend. He was sending dozens of messages per day, often as soon as we could send a reply. His use of the service in a conversational way prohibited other people from using the service to get answers.*
- *It is more of an ethical problem of the profession that not all library material is actually accessible to all students. Most recently I have experienced this with blind students who cannot use the databases as they are so poorly compatible with text to audio readers.*
- *Political powers in my small community place an emphasis on getting high tech resources in the public library while ignoring the needs of our most vulnerable citizens. They would rather spend money on expensive ebooks than provide basic information for our poorest citizens.*
- *Should there be fine forgiveness to economically disadvantaged individuals who habitually return materials late in order to allow materials necessary to job advancement/school project/military placement to be checked out?*

- *Our technology is old and not up to standards sometimes, so those students who are able to purchase their own computers, software, etc. have a definite advantage.*

13.3.5 Quotes Related to Conflict of Interest

- *WOW: I could write a book. Let's start with the DEAN who was married to a REF LIBRARIAN in a small academic library. She was allowed to attend all meetings. That poor ref dept did not have one bit of trust or collegiality and no one has to wonder why.*
- *Alumni come back and find that they cannot use the services of the library as before. They forget they are now in the workforce and Alumnae are not granted all the privileges of the current user/student/faculty who have access to everything. The group study rooms must be limited to current users only and alumni cannot have access to those services in the library. Alumni also want to run tutoring businesses in the group study rooms and libraries cannot allow this due to insurance purposes and liabilities concerning minors who we have no jurisdiction over.*
- *We have a computer lab in the adult area that has internet access, a children's lab that doesn't have internet access and a business area which is limited to business research and test proctoring only. Parents with children who need to use the internet must do so in the Adult lab and their children sometimes become restless to say the least. While I sympathize very much with the parent and children who are accessing information via the internet, it is our policy that the adult area is a quiet place and sometimes we must ask the parent to make sure their children are not upsetting other patrons who expect quiet. This is one of my least favorite things to do. If only parents could access the internet alongside their children in an appropriate place.*

- *At one academic job a supervisor wanted me to do research for her child who was attending a different school.*
- *I live in a rural, Southern place so there are times when the religion of a student, which may not be the same religion as mine or other students, is made very clear. The same is true with my colleagues, making for uncomfortable situations.*

When asked about how familiar they are with the American Library Association (ALA)'s Code of Ethics, more than 60% of the respondents were either moderately or very familiar with it, as shown in Figure 2.

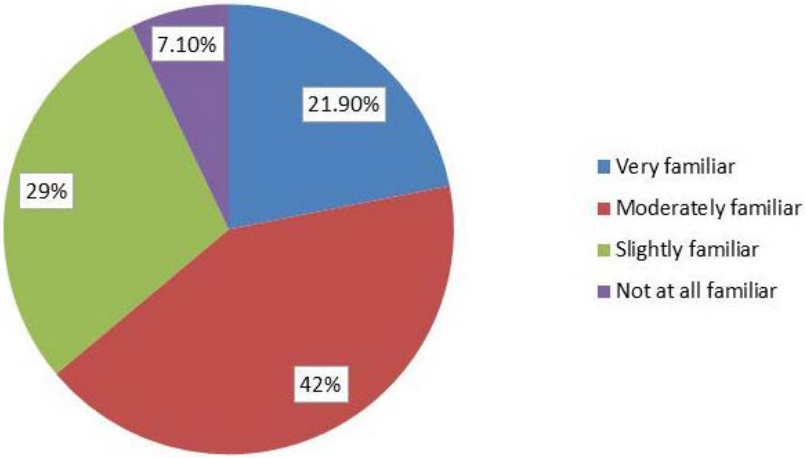


Figure 2 Librarians' familiarity with ALA's Code of Ethics

Respondents were then asked about whether their institution has its own ethics policy, and 38.1% answered "Yes", 26.8% "No", and 35.1% "Not sure".

Regarding how they handle an ethical dilemma, the majority of the respondents chose to consult supervisors/colleagues to seek guidance, as shown in Figure 3. In addition to the four listed approaches, respondents shared that they also rely on their conscience (or personal code of ethics), gut feeling, experience, as well as social norms and common sense to make a judgment in an ethical situation. Other sources they

consult included other organizations' (e.g. Medical Library Association) code of ethics, professional email listservs, and the faculty they work with.

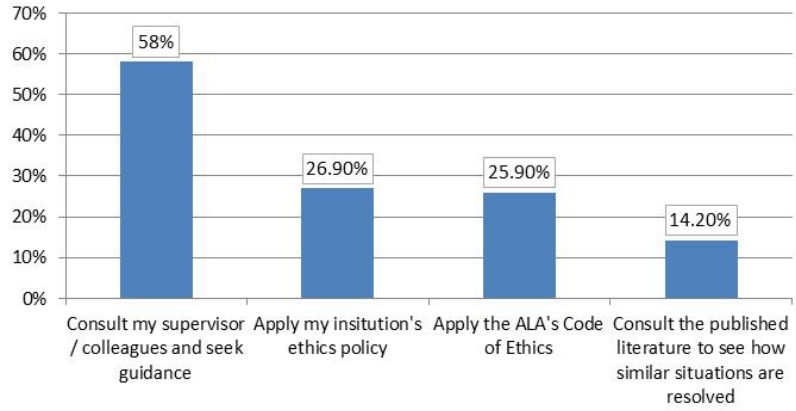


Figure 3 How librarians handle ethical dilemmas

When it comes to the training on ethics they received, 34.9% of the respondents took courses covering ethics in their MLIS program, 15.6% participated in training sessions on ethics offered by their institution, 7.1% took continuing education courses about ethics. In addition to these formal training venues, respondents also mentioned the following ways in which they were familiarized with ethical issues:

- Librarians at a statewide chat reference service are regularly engaged in formative assessments of how to handle tricky reference questions, including ethical dilemmas
- State ethics training for all state employees
- Professional experience (e.g. serving on the Intellectual Freedom Advisory boards for library associations; teaching a class in fair use and U.S. copyright laws)
- Self-learning (e.g. reading articles and books about ethics)

Respondents reported a variety of challenges they face when involved in an ethical dilemma, covering the following categories:

- Explaining carefully to library users that their requests could not be fulfilled because of ethical reasons (e.g. licensing or copyright violation) without hurting their feelings, and helping them understand that it is not personal
- Conflicts between personal beliefs and institutional/professional policies
- Finding a balance between upholding ethical rules/policies and satisfying user needs, and between doing "what's right" and "what's practical"
- Respecting and balancing the viewpoints and interests of all parties involved in an ethical situation, and attempting to meet everyone's needs
- Handling ethical grey areas – assessing a situation judicially, understanding the context, and making a reasonable judgment
- Dealing with difficult library users
- Recognizing ethical situations when they occur
- Librarians handling the same ethical situations consistently
- Remaining neutral and not getting personal in ethical situations
- Lack of administrative support in resolving ethical situations
- Teaching library users about ethical behavior
- Conflicting policies
- Issues related to fair use, information filtering and confidentiality

Finally, respondents voiced the support they wished to receive in order to more effectively and efficiently handle ethical dilemmas, including 1) more training; 2) support from colleagues (e.g. a collegial environment where colleagues consult each other when making decisions about ethical situations); 3) support from library leadership (e.g. administrators stand behind staff and are open to discussions and questions); 4) Clear and consistent ethics policies, and clear

communication among library staff about the policies; 5) A written document of ethics policies that can be easily accessed.

13.4 Conclusions

This paper provides an in-depth view of the ethical issues in reference work. Through the examination of the types of ethical dilemmas, how librarians handle them, the challenges they encounter, and the support they need, this paper will help further the understanding of ethical practice in reference and information service, and make meaningful contributions to the growth of knowledge in the domain of LIS professional ethics. Libraries will be able to draw upon this paper to better develop ethical guidelines and provide effective training to help reference librarians successfully resolve ethical dilemmas and ultimately lead to enhanced library experience for library users.

13.5 References

Cassell, K. & Hiremath, U. (2012). *Reference and information services: An introduction, 3rd ed.* American Library Association Neal-Schuman.

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