



Scan to know paper details and author's profile

Consortium Building among Academic Libraries in Nigeria: The Legal and Ethical Considerations

Abiola, A. Abioye & Olalekan Abiola Awujoola

University of Ibadan

ABSTRACT

The ever increasing and complex needs of information users, accelerated rate of information explosion, dwindling library budget, escalation of prices of information resources and many more have given rise to a set of pressing problems in providing adequate and relevant services by academic libraries and information centres across the globe. As a solution to these problems, taking advantages of Information and Communication Technology (ICT), libraries have started sharing their resources and services through consortium to satisfy their users better. The multi-disciplinary and multi-dimensional nature of the library and information science profession in the 21st century has created opportunities and challenges for information centres in developing countries like Nigeria which wise to join consortium platforms. It is imperative then that libraries consider legal and ethical requirements to consortium building as a way of ensuring sustainable collaboration platforms among them. This study examines some legal and ethical factors necessary for consortium building in Nigeria.

Keywords: consortium building, academic libraries, legal factors to consortium, ethical factors to consortium.

Classification: FOR code: 080799

Language: English



London
Journals Press

LJP Copyright ID: 925645
Print ISSN: 2631-8490
Online ISSN: 2631-8504

London Journal of Research in Science: Natural and Formal

Volume 19 | Issue 2 | Compilation 1.0



Consortium Building among Academic Libraries: The Legal and Ethical Considerations

Abiola, A, Abioye ^α & Olalekan Abiola Awujoola ^σ

ABSTRACT

The ever increasing and complex needs of information users, accelerated rate of information explosion, dwindling library budget, escalation of prices of information resources and many more have given rise to a set of pressing problems in providing adequate and relevant services by academic libraries and information centres across the globe. As a solution to these problems, taking advantages of Information and Communication Technology (ICT), libraries have started sharing their resources and services through consortium to satisfy their users better. The multi-disciplinary and multi-dimensional nature of the library and information science profession in the 21st century has created opportunities and challenges for information centres in developing countries like Nigeria which wise to join consortium platforms. It is imperative then that libraries consider legal and ethical requirements to consortium building as a way of ensuring sustainable collaboration platforms among them. This study examines some legal and ethical factors necessary for consortium building in Nigeria.

Keywords: consortium building, academic libraries, legal factors to consortium, ethical factors to consortium.

Author α: Department of Library, Archival and Information Studies, University of Ibadan.

σ: Department of Library, Archival and Information Studies, University of Ibadan.

I. INTRODUCTION

The advent of Information and Communication Technology (ICT) has made information to grow exponentially, however, it has also created great possibility for libraries to come together to share their resources (electronic library resources) through a network called “Consortium”. Consortium platforms provide opportunity for wider and more coordinated resource sharing among cooperating libraries or institutions. A library consortium in library world is defined as a cooperative arrangement among libraries, with non-profit making intention, seeking to create and maintain a shared online catalogue and provide user services for both members and non-members (American Heritage Dictionary, 2017). Resource sharing has become a very effective and useful tool in consortium building, since no one library can afford to acquire all resources, even, if it is in its own special areas (Sacchanand, 2012). A consortium can also be said to be the ultimate collective approach in reaching information goals and meeting information needs of users through shared electronic library resources and reciprocal borrowing, offsite storage system, and other cooperation and services to members and non-member libraries. Ali, Owoeye and Anasi (2010); Etim (2006) opined that the terms “library cooperation”, “library networking”, “library linkages”, “library collaboration”, “library consortia”, “interlibrary loan”, “document supply”, “document delivery”, “access services”, “resources sharing” are used interchangeably to describe formal and informal cooperation, partnership and resource sharing activities among libraries.

The exponential growth of published materials both in a chosen field and other fields, coupled with the growth of published information scattered and presented in various electronic formats have made it impossible for any single library most especially university libraries to keep up in their quest to satisfy their user's information needs (Ukwoma, 2017). Therefore, cooperation or collaboration is inevitable among university libraries to facilitate information and resource sharing among them. Collaborations according to Mohammed (2015) can enhance the library's ability to serve its community and make library services more visible and valued. University libraries have a laudable history of cooperating to achieve common goals.

The need for consortium building among university libraries includes: increasing the cost benefit per subscription among cooperating libraries; promoting the rational use of funds in libraries; ensuring the continuous subscription to the periodicals subscribed to in each library; ensuring local storage of the information acquired by libraries for continuous use by present and future users; helping to develop technical capabilities of the staff in operating and using electronic publication databases; strategic alliance with institutions that have common interest; reduced information cost and improved resource sharing. Other reasons for the creation of consortium are to: eliminate the different problems faced by libraries in providing various services to users; meet the thrust of information of the vast people due to rapid growth of population all over the world (Murthy, 2002 and CALIBER, 2003, Hulagabali, 2012, Ukwoma, 2017).

II. LITERATURE REVIEW

Any consortium platform is a professional and business like arrangement intended for a defined purpose over a fixed timeframe. It is imperative, therefore, that the process and activities of the consortium should be approached in a business-like way. This is essential to protect the long term integrity of individual library and the

platform. This approach recognises both the benefits and hazards of "association". It recognises that whilst there are benefits which arise from association with strong and successful organisations, the converse is true where consortium members get into trouble and this reflects on other organisations in the consortium (CabinetOffice: Office of the Third sector. 2008). A major concern for libraries considering entering into consortium arrangements is that of sharing information and its services. There is a tension around a library providing sufficient information for the other members to be able to make a business judgment about their inclusion in their arrangements and the library wishing to withdraw from the consortium at a later stage. Securing compensation for a breach in legal terms in the consortium agreement can be costly and time consuming. It is essential therefore, that a legally binding agreement for the governing law, sharing of information, nondisclosure of log-in-option, dispute resolution, cash payment and contribution as well as terms of dissolution be documented. All potential consortium members should be invited to sign up to this agreement before any serious actions regarding the implementation of the consortium. In certain circumstances, the law will require the consortium members to keep matters confidential without a written agreement in place, but this can be difficult and costly to prove in court. It is always best when disclosing any kind of confidential information (particularly sensitive technical information) to have a "written confidentiality agreement" "legal" in place and signed by potential consortium members.

Business Dictionary.Com (2010) defines law as the binding rules of conduct meant to enforce justice and prescribe duty or obligation, and it is derived largely from custom or formal enactment by a ruler or legislature. Laws are rules that mandate or prohibit certain behaviour; they are drawn from ethics, which define socially acceptable behaviours. The cogent difference between laws and ethics is that laws carry the authority of a governing body (enforcement

agency), and ethics do not. Law derives its legitimacy ultimately from universally accepted principles such as the essential justness of the rules, or the sovereign power of a parliament to enact them. Law can also be viewed as a system of rules which a particular country or community recognizes as regulating the actions of its members and how it may be enforced by imposing penalty or fine (Ogunleke, 2015). Ethics differs as it provides basic social needs by defining the behaviour we expect and will accept from one another. Jean-Jacques Rousseau (2007) in his “Social Contract or Principles of Political Right” explains law as the rules the members of a society create to balance the individual rights to self-determination against the needs of the society as a whole. Ethics are based on cultural mores: the fixed moral attitudes or customs of a particular group. These rules describe the way in which people (libraries) are required to act in their relationship with others (libraries) in a society (platform) most especially a consortium (Ogunleke, 2015). Apart from the laws that individual country has, organisations and professional associations may as well provide a set of right and wrong that signals its members’ competencies and integrity thus providing social legitimisation to its members (Ike-Mbofoung, 2015). The United Nations (UN) Human Rights, International Federation of Library Associations (IFLA) and Institutions, and the Nigerian Library Association (NLA) monitor any legislation affecting library and information science profession; guide the management of members and their relationship with clientele. Aside the legal issues to be agreed on by member library, there is an acceptable way of relationship (ethical standards) required of members within the consortium.

Ethics is a very wide term that can be used in a variety of contexts. According to Anand (2008), ethics applies to any system or theory of moral values or principles. There can be company ethics, social ethics, business ethics, company ethics, professional ethics, family ethics and many more. Ethics is a word derived from the Greek word

“ethos” which implies customs and habit. Adekilekun (2008) says ethics is something in conformity with moral norms or standard of professional standards. Ethics becomes a principle in politics and social law (Ogunleke, 2015). According to Kumar (2007), ethics is concerned with the code of values and principles that enables a person to choose between right and wrong, and therefore, select from alternative course of actions. Erondy, Sharland and Okpara (2004) hold that the study of “ethics” focuses on issues of practical decision making, including the nature of ultimate value, and standards by which a human action can be judged right or wrong, good or bad. The study will view ethics in two-folds: Business ethics (libraries coming together for the business of satisfying their clientele the more) and professional ethics (libraries carry out professional activities). Therefore, libraries intending to join a consortium should observe both professional and business codes of conduct.

Jelena (2007) while trying to examine business ethics opined that business ethics (collective or business) is the effect of the social nature of morality, and the feedback effect of business morality on business environment. According to Haslinda and Benedict (2009), business ethics is a study of business activities, decisions and situations where the rights and wrongs are addressed. It is a form of applied ethics that studies rules and principles within a commercial context and any obligations that apply to persons who are involved in commerce. Ahmed (2013) says that business ethics is a form of applied ethics that examines rules and principles within a commercial context; the various moral or ethical problems that can arise in a business setting; and any special duties or obligations that apply to persons who are engaged in commerce. Nelson and Westerberg (2010) hold that ethics and business must go together, because doing business without observing some ethics is the surest way to fail. Bowie (2001) and Egels-Zanden and Sandberg (2010) also attest to the necessity of ethics in business communities and practices.

According to them, business ethics is about how the nature of business is understood as a morally compelling domain of human activity. Given that business activities (cooperation in librarianship) play a role in the society, it is expected that players in the cooperation behave as expected of them. The library as an organisation is in the business of providing information to the society, not necessarily to make profit but to incur enough returns to keep its business of information provision running. A library agrees and comes into consortium with other member libraries to provide better information services, this makes the library an entity in the cooperation formed.

Professional ethics on the other hand are the moral standards, principles, and regulation that guide the course of professional behaviour (Ali, 2013). Professional ethics are both individual and institutional in nature. Professional ethics can be learnt during the process of studying of the profession. Idolohor (2010) says professional ethics rely upon one's own personal sense of moral behaviour and judgment. The Association of Accountant Technicians (2011) defines professional ethics as personal and corporate standards of behaviour expected of the members of a particular profession. They are the ethical principles that a group or body of professionals must adhere to in the course of their interaction or business dealings in their professional life. An individual's behaviour can be unethical without it being illegal, therefore business or professional ethics cover wider area and scope than the law. Many professions that are trusted by the public are expected by the public to have code of ethics that guides their dealings and transactions. These codes spelt out the expectations of the behaviours of and the boundaries within which members have to operate (Ogunleke, 2015).

2.1 Legal considerations on consortium building

Governing laws: Nwalo and Ogunniyi (2012) asserted that for greater effectiveness, libraries embarking on networking should have a formal agreement (policy) in order to have workable

guidelines directing their operation. Collaboration among libraries should have a guiding principle as not much can be achieved under a loose arrangement.

Access and Log-in-options: Access to resources is now considered more important than the collection building. Consortium helps the collaborating libraries to get the benefit of wider access to electronic resources at affordable cost and at the best terms of licenses. A consortium, with the collective strength of resources of various institutions available to it, is in a better position to resolve the problems of managing, organising and archiving the electronic resources (Bedi and Sharma, 2008). However, the issues of access and log-in-option of members and affiliated bodies must be well considered in the consortium agreement. Access is decided on background and foreground contents of the consortium, consortium partners usually do not start their projects from scratch. They join the consortium with their own knowledge, data, etc., that are protected or not by the intellectual property right (IPR). In the terminology of the consortium projects this input is called "background". In addition, the project itself will generate new knowledge, data, etc. In the terminology of the consortium projects this output is called "foreground" (Foreground includes the tangible (prototypes, microorganisms, source code, etc.) and intangible (intellectual work, valuable business information, skills, abilities and scientific or industrial methods or applications processes developed) project results. Results generated outside a project (sometimes described as "Sideground") are not numbered among foreground) (Ambient Assisted Living (AAL), 2006).

Non-disclosure of log-in-option: Non-disclosure relates to issues of confidentiality among consortium members. Participants should know what knowledge they each bring, what they may need from others, what the state of the art is in the field of the project and should develop a strategy on protection, use and dissemination of the future results. Such activities require

discussions, exchange of information and ideas between the parties.

Dispute resolution: Dispute Resolution Mechanism (DRM) is equally very essential in the legal framework of consortium. Here, parties are to agree beforehand on how disputes are to be resolved when they arise. The agreement should state medium to use to seek redress among members (i.e, use of conventional courts or through Alternative Dispute Resolution (ADR), members that will make up the dispute resolution committee and conditions for choosing arbitrators if there will be any). ADR simply refers to a dispute resolution mechanism that encourages amicable resolution of dispute outside the court rooms using different options such as Arbitration, Mediation, Conciliation and Reconciliation (EMIDA, ERA-NET: Guidelines for a consortium agreement, 2017; BFM Released Meeting, 2013; Ambient Assisted Living (AAL), 2006).

2.2 Ethical considerations on consortium building

The ethical principles to be observed in the study shall be premised on three basic sub-headings: respect the dignity and rights of members, professional competence and responsibility, honesty and integrity in professional relationship.

On respect, consortium members should: have sensible regard for individual member moral, organisational and cultural values; not allow service to members to be diminished by factors such as ownership orientation, religion, race, ethnicity, location, party politics, social standing or class; convey respect for and abide by prevailing consortium mores, social customs, and cultural expectations in their business and professional activities; use language that conveys respect for the dignity of other members (for example, gender-neutral terms) in all written or verbal communication; avoid or refuse to participate in practices which are disrespectful of the legal, civil, or moral rights of other members (Code of Ethics of the Psychological

Society of Ireland (PSI) (2010); McNamara (2008); IFLA (2004)).

On privacy and confidentiality, consortium members should: explore and collect only information which is germane to the purposes of a given investigation or intervention, or which is required by law; take care not to infringe, in research or service activities, on the personally or culturally defined private space of individual member or groups unless clear and appropriate permission is granted to do so; respect the right of members, supervisors, students, or psychologists in training to reasonable personal privacy; take care not to relay, except as required or justified by law, confidential information about others members of consortium to which they have become privy in the course of their professional activities; share confidential information with others only with the informed consent of those involved, or in a manner that the individuals involved cannot be identified, except as required or justified by law, or in circumstances of actual or possible serious physical harm or death; store, handle, transfer and dispose of all records, both written and unwritten (for example, computer files, video tapes, minutes of meetings, foreground, background), in a way that attends to the needs for privacy and security; take all reasonable steps to ensure that records over which they have control remain personally identifiable only as long as is necessary in the interests of those to whom the records refer and/or to the project for which they were collected, or as required by law, and render anonymous or destroy any records under their control that no longer need to be personally identifiable; clarify what measures will be taken to protect confidentiality, and what responsibilities consortium members have for the protection of each other's confidentiality, when engaged in services to or research with individuals in the consortium, other groups or communities outside the consortium; obtain informed consent from all independent and partially dependent members for any consortium services provided to them (Code of Ethics of the Psychological Society of

Ireland (PSI), 2010; McNamara, 2008; IFLA, 2004).

Professional competence and responsibility, consortium members should: strive to ensure and maintain high standards of competence in their work. They shall recognise the boundaries of their particular competencies and the limitations of their expertise. They shall provide only those services and use only those techniques for which they are qualified by education, training or experience. Competence is synonymous with knowledge, skills and ability (Oyewole and Abioye, 2016). Also, consortium members shall be aware of their professional and scientific responsibilities to other members, to the consortium, and to the society in which they work and live. Members shall avoid doing harm and shall be responsible for their own actions, and assure themselves, as far as possible, that their services are not misused.

More specifically, consortium members shall: be aware of how their own experiences, attitudes, culture, beliefs and values influence their interactions with others, and integrate this awareness into all efforts to benefit and not harm others; recognise the boundaries of their competence, and do not exceed these; offer or carry out (without supervision) only those professional activities for which they have established their competence to practise to the benefit of others; take immediate steps to consult or to refer a member/client to a colleague or other appropriate professional, whichever is most likely to result in competent service to the client, if it becomes apparent that they are not competent to deal with a client's problem; avoid delegating professional activities to persons/agents not competent to carry them out to the benefit of others (Code of Ethics of the Psychological Society of Ireland (PSI) (2010); McNamara (2008); IFLA (2004)).

Okerson (2000) noted that a condition for success in consortium is that, within the consortium, members have trust; members must trust one another and themselves well enough in order to

benefit from the cooperation platform. One popular definition of trust cited in most literature is the definition of Mayer, Davis and Schoorman (1995) which opined that trust is the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustee, irrespective of the ability to monitor or control that other party. Evans (2002) sums it up that a successful consortia require time to develop, a high level of trust in one's partner, and a willingness to contribute. Even if there is no effective means of measuring success, the winning issues are the need, the will and the vision of the membership. Usoro (2007) referring to Mayer et al (1995) elaborated factors that influence the creation of integrity-based trust. These include: the independent verification of the trustee's integrity from reputable third parties; perceptions that the trustee holds an acceptable level of moral standards; and demonstration of consistent behavior including congruence between a trustee's actions and words. Usoro (2007) observed that the focus on the alignment between an actor's actions and words is what is defined as behavioural integrity. This is the extent an individual is perceived to walk their talk and vice versa (Simons, 2002). Long-term vision, goals, programming, and objectives will not lead to a successful partnership without the full participation of members. Complete integration of a consortium's goals into each member library's mission is integral to the survival of the partnership.

III. CONCLUSION AND RECOMMENDATION

Consortium is a means by which the objectives of academic libraries can be effectively actualised. However, to ensure success in the cooperation to be formed, intending academic libraries joining the collaboration should fully understand the legal factors required as members. These libraries should agree and be ready to observe all ethical considerations of the consortium to foster healthy coexistence among them. The study therefore

recommends that legal and ethical factors relating to the smooth running and healthy cooperation among academic libraries joining consortium building be known and upheld by all.

REFERENCES

1. Awujoola, O. L. 2018. Institutional, legal and ethical factors as precursors of consortium building readiness among university libraries in South-west, Nigeria. An unpublished seminar paper presented at the Department of Library, Archival and Information Studies, University of Ibadan.
2. Ukwona, S. 2017. Collaborative practices among Public/Private Institutions and National /International Professional Bodies: A paper presented At the Librarians' Registration Council of Nigeria 4th Conference of Certified Librarian in Nigeria held between 5th and 9th November, 2017 at the Public Service Institute of Nigeria, Dutse junction, Kubwa ExpressWay, Abuja.
3. Sacchanand, C. 2012. Building collaboration between library and information science educators and practitioners in Thailand : transcending barriers, creating opportunities. A paper presented at IFLA. <http://conference.ifla.org/ifla78>.
4. Oyewole, O and Abioye, A. 2016. Stemming the tide of plagiarism in thesis writing in Nigerian library schools through policy and competence: Implication for quality assurance. *Proceedings of the Annual National Conference of the Nigerian Association of Library and Information Science Educators (NALISE), 2016*.
5. Ogunleke, I. D. 2015. Awareness and attitude towards professional ethics as determinants of patient information management in selected hospitals in Southwest Nigeria. A master's dissertation submitted to the Department of Library, Archival and Information Studies, University of Ibadan.
6. National Association of School Psychologist: Principles for professional ethics, (PSI). (2010).
7. Murthy, T. A. V. 2002. Resource sharing and consortia for India. Proceeding, IIT Seminar, Kharagpur, Feb. 2002: pp.14-15.
8. Mohammed, A. 2015. Collaboration among library and information science schools for effective teaching in the Knowledge society in Nigeria: proposed Model.
9. *Bayero Journal of Library and Information Science* 2.1: 1-66.
10. McNamara, k. 2008. Best practices in the application of professional ethics. In A. Thomas and J. Grimes (Eds), Best practices in school psychology (pp. 1933-1941). Bethesda, MD: National Association of School Psychologist.
11. Mayer, R. C, Davis, J. H and Schoorman, F. D. 1995. An integrative model of organisational trust. *The Academy of Management Review* 20.3: 709-734
12. Jelena, Božović. 2007. Business Ethics in Banking. *Journal Series: Economics and Organization* 4.2: 173 – 182.
13. Ike-Mbofung, U. I. 2015. Self-management, legal and ethical issues as determinants of information service delivery among librarians in federal university libraries in Nigeria. A PhD thesis submitted to the Department of Library, Archival and Information Studies, University of Ibadan.
14. Idolohor, E. J. 2010. Banking Frauds in Nigeria: Underlying Causes, Effect and Possible Remedies, *African Journal of Accounting, Economics, Finance and Banking Research*, 6.6: 62-80.
15. International Federation of Library Association (IFLA). 2004. IFLA and professional ethics.
16. Hulagabali, Santosh. C. 2012. Understanding the Library Consortium to Harness the Teaching, Research and Publication Activities. *Administration* 8: 15-29.
17. Evans, G. E. 2002. Management issues of co-operative ventures and consortia in the USA. Partone. *Library Management*, 23.4 & 5.
18. Etim, F. E. 2006. Resource sharing in the digital age: Prospects and problems in African

- universities,” *Library Philosophy and Practice* 9/1: 1-5 (2006). <http://unllib.unl.edu/LPP/etim.pdf>
19. Erundu, E. A., Sharland, A., and Okpara, J. O. 2004. Corporate Ethics in Nigeria: A Test of the Concept of an Ethical Climate. *Journal of Business Ethics* 51.1: 124-132.
 20. Bedi, S and Sharma. K. 2008. Library Consortia: A Step forward the Information Society, Electronic address: Panjab University, Chandigarh dlist.sir.arizona.edu/2289/01/Shalu_Bedi_and_Kiran_sharma_LIBRARY_CONSORTIA.
 21. American History Dictionary of the English Language. 2000. 4th ed. Boston: Houghton Mifflin Company.
 22. Ali, H., Owoeye, J. E., and Anasi, S. N. I. 2010. Resource sharing among Law Libraries: *An imperative for legal research and the administration of justice in Nigeria. Library Philosophy and Practice* 2010 (July).
 23. Haslinda Abdullah and Benedict, Valentine. 2009. Fundamental and ethics theories of corporate governance. *Middle Eastern Finance and Economics* Issue 4, p. 6.
 24. Nwalo, K. I. N. and Ogunniyi, S.O. 2012. Networking of academic libraries in Ondo State, Nigeria. *A paper presented at the 50th National Conference and Annual General Meeting of the NLA held from 15th-19th July, 2012.*