

# ***Copyright Guidelines***

## **Copyright Guidelines for Electronic Reserves**

### *Library Guideline 261*

The purpose of the Electronic Reserves service is to provide access to materials selected by faculty that are required or recommended for their students' course of study.

In order for the Library to provide this service under compliance with Copyright law and the limitations of exclusive rights outlined by Fair Use (17 U.S.C. +107), reserve items submitted by faculty should meet the following guidelines:

1. The amount of material should be reasonable in relation to the total amount of material assigned for one term of a course taking into account the nature of the course, its subject matter, and level. (See: 17 U.S.C +107 Section 3) Generally this is interpreted as no more than 10% of a work or one article, one or two chapters of a book, or a complete poem.
2. The effect of using the material should not be detrimental to the market for the work. (In general, the Library should own at least one copy of the work.) (See: 17 U.S.C +107 Section 4) Faculty should be aware that conditions of spontaneity are exhausted after the first use of material for a particular course, and subsequent use may require payment of Copyright fees.
3. A full bibliographic citation must be provided for all copyrighted material requested for Electronic Reserve.

In addition, the Library, will take the following measures to assure Fair Use of a copyrighted work:

1. Access to copyrighted materials on Electronic Reserve will be password protected. Library staff will provide the professor with a password for each course for which there is copyrighted material online. The professor is responsible for telling students the appropriate password and informing them of the importance of the copyright protection.
2. All material on Electronic Reserve that falls under copyright restrictions will have a notice of copyright and a full bibliographic citation on the front page.
3. Material in Electronic Reserves can be found through Course Name and Number and Professor Name only. There will be no indexing on authors or titles available.
4. When necessary, the library will request and pay for permissions up to \$100, any costs over \$100 will require administrative review and may be denied.
5. If a faculty member informs the library that they own the copyright, or have obtained written permission from the copyright holder (which is not always the author/creator) to use selected material, the library will not seek further permissions for the use of specified material for that instructor's course.

The ACRL Statement on fair use and electronic reserves (November 2003) governs the Library's e-reserve practices. They illustrate how libraries can apply the four factors for determining fair use:

*First factor:* The character of the use.

- Libraries implement e-reserves systems in support of nonprofit education.

*Second factor:* The nature of the work to be used.

- E-reserve systems include text materials, both factual and creative.
- They also serve the interests of faculty and students who study music, film, art, and images.
- Librarians take the character of the materials into consideration in the overall balancing of interests.

*Third factor:* The amount used.

- Librarians consider the relationship of the amount used to the whole of the copyright owner's work.
- Because the amount that a faculty member assigns depends on many factors, such as relevance to the teaching objective and the overall amount of material assigned, librarians may also consider whether the amount, even the entire work, is appropriate to support the lesson or make the point.

*Fourth factor:* The effect of the use on the market for or value of the work.

- Limit e-reserves access to students within a particular class.
- Terminate student access at the end of a relevant semester or after the student has completed the course.
- Many e-reserves systems include core and supplemental materials. Limiting e-reserves solely to supplemental readings is not necessary since potential harm to the market is considered regardless of the status of the material.
- Libraries may determine that if the first three factors show that a use is clearly fair, the fourth factor does not weigh as heavily.

Approval renewed by Library Executive Council (LEC) on 7/16/19.