Policy on the Use of Copyrighted Works Placed on Reserve and the Use of Audio/Visual Material in Distance Learning at Sam Houston State University

The Newton Gresham Library at Sam Houston State University is committed to providing University faculty and students with the resources necessary for a quality education. The ability of faculty to place material on reserve for their students and students’ access to that information is part of that mission. While meeting those needs, the Library complies with the University’s Copyright Policy, Copyright Law and Fair Use guidelines.

Section 107 (United States Copyright Office, http://www.copyright.gov/fls/fl102.html) contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, and research. Section 107 also sets out four factors to be considered in determining whether a particular use is fair:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

When a faculty member requests that material be placed on Reserves, the Library uses established procedure. All requests for copyrighted material to be placed on reserve must be accompanied with a full citation.

In-Library Print Reserves

The Library will consider it to be analogous to permitted copying for the classroom under the fair use guidelines and will be place on reserve, if:

1. Either the Library or the faculty member owns the material, or
2. Limit of one article from an individual issue of a periodical
3. The chapter is 10% or less of the total from a book with fewer than 10 chapters, or
4. One chapter from a book with 10 chapters or more

2. Up to 3 photocopies of portions of monographs or articles may be made and placed on Reserve depending on the number of students in the course(s).
   If the material would be damaged by frequent use, photocopies may be made to preserve the original.

3. Desk copies, examination copies, complimentary copies, review copies, etc. will not be placed on reserve.

Please note, The Library will not place material on reserve if it has been acquired through Interlibrary Loan.
Electronic Reserves

All material placed on electronic reserves for a course is password protected. The faculty member will be provided with the password, and will then provide it to students in the course. Only those students in possession of the password will have access to the material.

The Library will determine if permission is required using the Fair Use checklist located at the end of this section.

If permission is requested and there is a charge for use of the material and it is less than $150.00, the Library will pay the fee. If over $150.00, the Library will consult with the faculty member about the charge and will often split the charge.

A digital copy of the material to be placed on reserve if:

1. the Library has a subscription to a digital copy of the article, The Library will place a link to the resource in the Reserves for the course when a permanent link is available, or will provide concise directions to the students so that they can easily access the material.

2. the print book or journal is owned by the Library, and,
   - The amount to be digitized is 10% or less of the entire book, or
   - If the book contains 10 or more chapters, 1 chapter only.

   If the amount requested is over 10% or 1 chapter, permission will be sought. If it is the first semester the material is placed on reserve, the Library will consider it to be analogous to permitted copying for the classroom under the fair use guidelines and will be place on reserve, if
   - if the copyright holder responds with a denial of permission, the material will be removed immediately.
   - If the copyright owner does not respond, in most cases, the material will be removed. In those cases where the material remains on reserve, documentation of the request for permission will be maintained with the reserve records.

3. The print book or journal is owned by the faculty member, and, If it is the first semester the material is placed on reserve, the Library will consider it to be analogous to permitted copying for the classroom under the fair use guidelines and will be place on reserve. The same quantity limits apply.
   - If the faculty member anticipates using the material in more than one semester, the Library will attempt to purchase a digital copy when possible, or a print copy if not, or
The library will seek permission from Copyright Clearance Center or the copyright holder.

- If the copyright owner responds with a denial of permission, the material will be removed immediately.
- If the copyright owner does not respond, in most cases, the material will be removed. In those cases where the material remains on reserve, documentation of the request for permission will be maintained with the reserve records.

In the event that the identified copyright owner responds and indicates that another entity owns the copyright, the Library will pursue that avenue.

**Distance Education Use of Audio/Visual Material**

Faculty wishing to use audio or visual material in their online courses should complete the Request for Digitizing Audio and Visual Media form. It is located on the SHSU Online Webpage. The direct link to the form is [http://www.shsu.edu/~dl_www/forms/requestDigitizingMedia_2010.pdf](http://www.shsu.edu/~dl_www/forms/requestDigitizingMedia_2010.pdf). Complete the form, talk with someone from SHSU Online, and send a copy to the Linda Meyer in the Library at lib_lsm@shsu.edu.

Generally, film clips less than 3 minutes in length may be used without permission. The Library’s policy is to request permission for use of any clip that is longer than 3 minutes in length or entire videos.

- The material to be streamed must be legitimately obtained, i.e. purchased not copied.
- The individual faculty member, the academic department, or the appropriate Dean’s Office is responsible for any charges for copyright permission.

The Library will determine if the material is available in digital format through one of the Library’s video databases or publisher/organization Web sites. When available through one of the databases, a permanent link will be provided to SHSU Online. For videos not available digitally, the Library will request permission to create streaming video that will be accessed via course management software.

Permission will be requested for each use, including first use.

If the copyright owner responds with a denial of permission, the material will not be converted to streaming and/or placed on a University server.

If the identified copyright owner responds and indicates that another entity owns the copyright, the Library will pursue that avenue.

If the copyright owner does not respond, in most cases, the material will be removed. In those cases where the material remains on reserve, documentation of the request for permission will be maintained with the reserve records.
Fair Use Checklist

___Non-profit use
___Teaching
___Research or scholarship
___Necessary to achieve intended educational purpose
___Published work
___Amount of work is necessary for educational objective
___Work was obtained legitimately
___No longer in print
___Permission unavailable
___Little or no significant effect on market

Revised 07/10/2014