

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 Police, Copyright Law and Fair Use guidelines.

Section 107 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

(United States Copyright Office, <http://www.copyright.gov/fls/fl102.html>)

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

1. The Library will place the material on reserve, if:
 - ✓ The Library owns the material, or
 - ✓ The faculty member owns the material
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, etc. will not be placed on reserve unless the Library is able to obtain explicit permission from the publisher. Please allow a minimum of 2 weeks for the Library to seek permission if such a copy is desired 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 may be placed on electronic 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 from Copyright Clearance Center or the copyright holder.
 - If the copyright holder responds with a denial of permission, the material will be removed immediately.
3. the book or journal is owned by the faculty member, 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 from Copyright Clearance Center or the copyright holder.
 - If the copyright holder responds with a denial of permission, the material will be removed immediately.
 - ✓ 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.

In the event that 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.

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. Complete the form, talk with someone from SHSU Online, and send a copy to the Erin Owens in the Library at eowens@shsu.edu.

The Library's policy is to request permission for use of any clip 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 may be responsible for any fees 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