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	FACILITIES & SERVICES		08-08
Subject:		COPYRIGHTED MATERIAL	

GENERAL STATEMENT OF POLICY

The purpose of this policy is to provide guidelines to University employees for the use of copyrighted materials.

The University encourages faculty and staff members to use copyrighted materials to improve academic instruction and general operations of the University. To help insure copyrighted materials are properly used, University procedures will be established to incorporate applicable provisions of the Copyright Act of 1976, subsequent technical changes, and case law. University employees and non-employees providing services at the University will be required to follow these procedures.

The Vice President for Finance and Administration shall be responsible for developing operating procedures to implement this policy



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OPERATING PROCEDURES

1. Photocopying Copyrighted Materials for Teaching and Research -

A. Background

The Copyright Act of 1976 (P.L. 94-553) precludes copying materials to avoid payment to authors and publishers for the use of copyrighted materials. Copyrighted works may be reproduced for classroom use and for research without securing permission and without paying royalties when the circumstances amount to what the law calls “fair use”. In 1976, educators along with publishers developed a set of minimum standards of fair use which were set forth in the “Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions” (Addendum #1). These standards can be used as a practical approach to determine fair use. Any copying that falls within these guidelines is considered to be fair use and permissible.

B. General Guidelines

- i. Addendum #1 provides guidelines which are to be used to determine whether or not the prior permission of the copyright owner is to be obtained prior to photocopying the material.
- ii. The responsibility for determining whether copyrighted material can be copied will reside with the individual faculty or staff member. In making this determination, individuals should carefully consider all sections of the guidelines contained in Addendum #1.

2. Procedures for Departmental Printing and Copy Center

A. Departmental Copying

- i. When copying copyrighted material on department/office copiers, faculty and staff should consult the guidelines contained in Addendum #1 to determine if the material they are going to copy requires permission from the copyright owner.
- ii. Any material reproduced from a copyrighted source must include a notice of copyright at the beginning of the article.
- iii. Departments shall prominently post near their copying machines a notice of the existence and source of availability of the University’s Policy Statement concerning reproducing copyrighted materials (Addendum #2).



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B. Copy Center

- i. A copy verification form (Addendum #3) must be completed and submitted with requests for reproduction of copyrighted materials.
- ii. A notice of copyright must be included at the beginning of the article to be copied.
- iii. The Copy Centers shall prominently post a notice of the existence and source of availability of the University's Policy Statement concerning reproducing copyrighted materials (Addendum #2).

3. Procedures for copyrighted materials that are reproduced and sold to students -

Printed or copied course material (course packets), which contain copyrighted materials must be sold to students only through Southeast Bookstore. Southeast Bookstore has established procedures for obtaining permission and paying permission fees to copyright holders. Departments preparing course packets for sale to students should contact Southeast Bookstore for specific requirements and procedures.



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Addendum #1

Agreement on guidelines for classroom copying in not-for-profit educational institutions with respect to books and periodicals.

1. Background -

- A. These guidelines were negotiated by education, author, and publishing representatives in 1976 and were incorporated in the House of Representatives report accompanying the Copyright Act of 1976. The introductory explanation of the guidelines in the House Report describes their relationship to the doctrine of fair use as follows:

Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions with Respect to Books and Periodicals.

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 or H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under Judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

2. Guidelines -

- A. Single Copying for Teachers -

A Single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class.

- i. A chapter from a book;
- ii. An article from a periodical or newspaper;
- iii. A short story, short essay or short poem, whether or not from a collective work;



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iv. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

B. Multiple Copies for Classroom Use -

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- i. The copying meets the tests of brevity and spontaneity as defined below; and
- ii. Meets the cumulative effect test as defined below; and
- iii. Each copy includes a notice of copyright.

Definitions:

Brevity

- Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished prose paragraph.)

- Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- “Special” works: Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “ii” above notwithstanding such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.



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Spontaneity

- The copying is at the instance and inspiration of the individual teacher, and
- The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- The copying of the material is for only one course in the school in which the copies are made.
- Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news section of other periodicals.)

3. Prohibitions as to i and ii above -

Notwithstanding any of the above, the following shall be prohibited -

- A. Copying shall not be used to create or to replace or substitute to anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.
- B. There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not -
 - i. substitute for the purchase of books, publishers’ reprints or periodicals;



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- ii. be directed by higher authority; or
- iii. be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

Addendum #2

Notice

Photocopying of copyrighted materials is subject to specific rules and procedures set forth in the University's "Policy Statement of Use of Copyrighted Materials." Copies of this statement and related operating procedures are available on the University Vice President for Finance & Administration's website.