

Kirk Library @ Centralia College

Paper and Electronic Course Reserves Policy

- I. Introduction
 - a. The purpose of the *Paper and Electronic Course Reserves Policy* is to set forth the process by which copyright decisions related to course reserves are made by the Kirk Library staff.
 - b. Our goals are to provide maximum access to resources while protecting Centralia College and its employees from the legal consequences of copyright violation and respecting the rights of copyright owners.
 - c. Course reserves, either in paper or electronic format, are offered as a service to faculty in order to facilitate student access to supplementary course materials. Reserves are not intended to replace a course pack or traditional textbook and must comply with provisions of the United States Copyright Act (Title 17, US Code).
 - d. Materials placed on reserve will be at the initiative of instructors for the educational and non-commercial use of their students.
 - e. Library staff, working with faculty, will base decisions about which items will be placed on reserve upon analysis of the Copyright Act, established guidelines (e.g., the Conference on Fair Use – CONFU), and relevant court decisions.
- II. Determination of Copyright Compliance
 - a. Although the initial decision concerning materials to be placed on reserve will rest with the faculty teaching the course, the library reserves the right to refuse those submissions that are determined to be non-compliant with copyright law.
 - b. Course reserve requests should be sent to the Library Paraprofessional (also known as Circulation Supervisor) in charge of course reserves. A course reserves form is available on the library page of the Centralia College Intranet.
 - c. The Circulation Supervisor will review reserve requests for compliance with criteria listed in the library reserves policy. If a question arises, the request will be forwarded to the campus Copyright Officer (Associate Dean, Library Services). Materials will not be approved for reserve if judged by the Copyright Officer to fall outside the reasonable limits of fair use.
 - d. If the material is rejected for any reason, the instructor will be notified.
 - e. In the event that a faculty member opposes the library's decision not to post material, the matter will be forwarded to the college's legal counsel who is the Vice President, Human Resources & Legal Affairs.
 - f. Questions concerning these guidelines and procedures may be directed to the Associate Dean, Library Services.
- III. Fair Use
 - a. Fair use allows the public to make limited uses of copyrighted works without permission; such uses include criticism, comment, news reporting, teaching, scholarship, and research -- primarily educational purposes. The Copyright Act does not detail specific rules, but lists four criteria that must be considered when judging fair use. The four factors comprising fair use are:
 - i. The purpose or character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;

- ii. The nature of the copyrighted work (the more creative and less factual a work, the greater the copyright protection)
 - iii. The amount and substantiality of the portion used in relation to the copyrighted work as a whole (Infringement occurs even when a small percentage of the work has been copied if that portion comprises the heart of the work.);
 - iv. The effect of the use upon the potential market for, or value of, the copyrighted work.
- IV. Types of Works Accepted for Reserve & Restrictions
- a. Public Domain

Materials that have entered the public domain (copyright has expired) can be freely reproduced for reserve.
 - b. Government Publications

Most works produced by the United States are not eligible for copyright protection and are considered to be in the public domain. However, derivative works that are based upon government research, data and/or documents, are subject to copyright. State government documents may be copyrighted; copyright status must be confirmed before a document may be placed on reserve after the first quarter.
 - c. Faculty-Created Resources

Materials created by the instructor, including exams, lecture notes, syllabi, and study guides do not require outside copyright permission. However, published works written by the faculty member (articles in journals, books, book chapters) may require copyright permission depending on whether or not the faculty member reserved publication rights in the contract with the publisher.
 - d. Books

Physical copies of books owned by the Kirk Library may be placed on reserve without restriction; however, books owned by a faculty member may only be placed on reserve for one quarter.

 - i. In cases where faculty wish to reproduce multiple paper copies of physical books (whether or not the items is owned by the Kirk Library) and place those copies on reserve, only a portion of a book comprising up to one chapter or 10% of the book may be placed on reserve.
 - ii. A portion of a book may be digitized for student use upon instructor request. At no time will a complete book be scanned into electronic reserves.
 - iii. The library will permit that the item(s) be placed on reserve for one quarter only. For use beyond the one-quarter limit, copyright clearance must be sought and submitted to the library for record-keeping.
 - iv. For books in the public domain, see IV. a. Public Domain.
 - e. Textbooks

Course textbooks may not be placed on reserve. By their very nature, placing these items on reserve would violate III. Fair Use, criteria iv.
 - f. Student-Created Works

Materials created by students may only be placed on reserve after receipt of a student permission form.

- g. Articles in Periodical or Reference Databases Licensed by the Library
The library will provide access to the full-text of articles contained in electronic resources for which the library pays a licensing fee. Some of these resources are ProQuest, EBSCO and Gale databases.
- h. Faculty-Owned Copies of Resources
A faculty member may lend his/her own legally obtained copy of a book (non-textbook), article, DVD, video, CD, or other material to the library for the use of students registered in his/her course.
 - i. If a physical work is lent to the library, the work will be supplied with identification and circulation labels.
 - ii. The library will not be liable for damage or loss of such work.
 - iii. A portion of a book may be digitized for student use upon instructor request. At no time will a complete book be scanned into electronic reserves.
 - iv. The library will permit that the item(s) be placed on reserve for one quarter only. For use beyond the one-quarter limit, copyright clearance must be sought and submitted to the library for record-keeping.
 - v. The library will not convert media (CD, VHS, DVD) to alternative formats for streaming through the electronic reserves system unless copyright permissions for the change in format have been obtained and library staff are able to access the technology necessary to convert the medium. See IV. m.
- i. Interlibrary Loan Materials
A single chapter from a book or an article obtained through Interlibrary Loan may be placed on reserve for one quarter. Continued use requires copyright permission. Entire physical objects (books, videos, DVDs) obtained via Interlibrary loan may not be placed on reserve. Faculty members may request that the library purchase a copy of a book or article if it is not already owned by the library. These resources will be purchased by the library if they fall within the guidelines described in the *Collection Development Policy*.
- j. Internet Resources (Not licensed)
Through electronic reserves faculty can request that links be made to Internet resources (URLs) that complement course content.
- k. Textbook Publisher-Produced Materials
Textbook publishers now offer faculty, whose students purchase their textbook, free use of supplemental resources (e.g., PowerPoint lectures). These may be posted on electronic reserve based upon the password protection provided through the library.
- l. Archival Materials
Paper or electronic reproductions of archival materials owned by Centralia College may be placed on reserve.
- m. Media (Audio, Video/DVD and Individual Images)
Due to the artistic/creative element involved, copyright restrictions for audio, video, and graphic images are more stringent than restrictions for text-based formats. Physical copies of library-owned media may be placed on reserve without restrictions. Faculty-owned copies of media will be placed on reserve for

a single quarter while permission is being obtained for future use. The library will not transform these media, in part or whole, for posting in the electronic reserve system unless advance permission has been obtained and documented and the conversion technology is available to the library to carry out such transformation.

V. Notice of Copyright

- a. The electronic reserve website will contain the following copyright notice:
The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a copy or other reproduction. One of these specific conditions is that the copy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses, a copy or reproduction for purposes in excess of fair use, that user may be liable for copyright infringement.
- b. Each individual reserve item will contain the following notice:
This material may be protected by copyright law (Title 17, U.S. Code).

VI. Permissions

- a. In accordance with fair use practices, the Library may require permission from the copyright holder and proof of payment of applicable fees before agreeing to place materials on reserve.
- b. Faculty members are responsible for seeking copyright permission. All letters of permission and/or evidence of fees paid must be submitted to the library and will be retained on file.
- c. The Associate Dean, Library Services will provide information about how to obtain copyright permissions.

VII. Restriction to Members of the Class

- a. Material in the reserve system will be listed by professor, course name, course number, author, and title. Access is limited to faculty, staff, and currently enrolled students.
- b. Students can access electronic reserve items 24 hours per day through the library’s website. Students must use a password to open the electronic files. Faculty members must provide their students with the password.

VIII. Repeated Use

- a. Faculty members may request that items previously submitted for use in the reserve system be activated for a subsequent quarter when applicable copyright clearances have been obtained.
- b. The Associate Dean, Library Services will provide advice and/or assistance in obtaining copyright permissions. The library will not be responsible for payment of copyright fees.

IX. Violations of the Policy

- a. Faculty members who submit materials in violation of copyright law will receive educational materials related to copyright law including a copy of the Paper and Electronic Reserves Policy.
- b. Copyright holders who believe material has been posted in the reserves system without appropriate permissions or licensing shall be referred to the College’s DCMA agent.

- c. Members of the College community who knowingly engage in any activity that constitutes an infringement of copyright law are in violation of Centralia College Policy Manual section 1.080. The college is not required to provide legal defense for an individual who knowingly fails to comply with college policies related to copyright and licensing agreements.
- X. Lead Time
- a. Reserves requests are processed on a first-in, first-out basis. The first time an item is placed on electronic reserve, time is required to scan the materials. Submit reserve requests 4 days in advance of the date the items are needed for student use. Faculty and staff may request shorter lead times, but these requests will be accommodated based upon staff availability.
- XI. Resources
- a. U.S. Copyright Act, Section 107
<http://www.copyright.gov/title17/>
 - b. American Library Association, Statement on Fair Use and Electronic Reserves
<http://www.ala.org/ala/acrl/acrlpubs/whitepapers/statementfair.htm>
 - c. U.S. Copyright Office
<http://www.copyright.gov/reports/studies/dmca/dmca/study.html>
 - d. American Library Association, New Copyright Law for Distance Education: The Meaning & Importance of the TEACH Act
<http://www.ala.org/washoff/teach.html> ;
<http://library.duke.edu/research/image/using/>
 - e. Conference on Fair Use (CONFU), Fair Use Guidelines for Electronic Reserve Systems
<http://www.utsystem.edu/ogc/INTELLECTUALPROPERTY/confu.htm>
 - f. Copyright Management Center (Indiana University-Purdue University)
<http://www.copyright.iupui.edu>
 - g. Copyright Clearance Center
<http://www.copyright.com>
 - h. U.S. Copyright Office, Circular 21: Fair Use Guidelines for Classroom Copying
<http://lcweb.loc.gov/copyright/circs> (select #21)
 - i. University of Texas System, Crash Course in Copyright
<http://www.utsystem.edu/ogc/Intellectualproperty/cprtindx.htm>