

Appendix 7
Susquehanna University
Copyright Compliance Policy

The copyright law of the United States (Title 17, United States Code) governs the making of reproductions of copyrighted material. It is the policy of Susquehanna University to comply with all applicable copyright laws and guidelines. This policy is intended to provide the Susquehanna University community with basic guidelines regarding the reproduction of copyrighted materials for educational purposes.

I. Introduction:

The Copyright Act (17 U.S.C. 106) defines the exclusive rights of a copyright holder in the following manner:

1. to reproduce the copyrighted work in copies or phonorecords;
2. to prepare derivative works based upon the copyrighted work;
3. to distribute copies and phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly, and
5. in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual image of a motion picture or other audiovisual work, to display the copyrighted work publicly.

The law, however, explicitly recognizes under "fair use" distinctions that copying materials for research and teaching can further the mission of a University and places limitation on exclusive rights.

17 U.S.C. 107. Limitations on exclusive rights: Fair use.

In determining whether the use made of a work in any particular case is a "fair use" the factors to be considered shall include:

1. the purpose and character of the use, including whether such use is of a 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; and

4. the effect of the use upon the potential market for or value of the copyrighted work.

Please note that the copyright law applies to all forms of copying whether it is undertaken at a commercial copying center, at the University's central or departmental copying facilities or at a self-service machine. While you are free to use the services of a commercial establishment, you should be prepared to provide documentation of permission from the publisher (if such permission is necessary under this policy), since many commercial copiers will require such proof.

We hope this statement will give an appreciation of the factors which weigh in favor of fair use and those factors which weigh against fair use, but faculty members must determine for themselves which works will be copied. Susquehanna University does not condone a policy of copying instead of purchasing copyrighted works where such copying would constitute an infringement under the Copyright law, but it does encourage faculty members to exercise good judgment in serving the best interests of students in an efficient manner. The University and its faculty and staff will make a conscientious effort to comply with these guidelines.

The sections which follow deal with materials for classroom and research use, interlibrary loan, off-air taping, software, securing permission to copy copyrighted works when such copying is beyond the limits of fair use, and infringement. **For assistance or additional information regarding copyright issues pertaining to written works, contact the Blough-Weis Library Public Services Librarian. For assistance or additional information regarding copyright issues pertaining to audio and video works, contact the Instructional Technologist within the Office of Information Technology.**

II. Materials for Research and Classroom Use:

A. Unrestricted Copying

1. Uncopyrighted Published Works (to include Writings, Audio, Video, Artwork, Plays, etc.)

Works published before January 1, 1978 which have never been copyrighted may be photocopied without restriction. Copies of works protected by copyright must bear a copyright notice, which consists of the letter "c" in a circle, or the word "Copyright", or the abbreviation "Copr.", plus the year of first publication, plus the name of the copyright owner.

2. Published Works With Expired Copyrights

Works with expired copyrights may be photocopied without restriction. All copyrights prior to 1923 have expired, 17 U.S.C. 304(b). Copyrights granted after 1923 may have been renewed; however, the works will probably not contain notice of renewal. Therefore, it should be assumed all works copyrighted 1923 or later are covered by a valid copyright,

unless information to the contrary is obtained from the owner or the U.S. Copyright Office.

3. Unpublished Works

Unpublished works, such as theses and dissertations, may be protected by copyright. If such works were created before January 1, 1978 and have not been copyrighted or published without copyright, the work is protected under the new Act for the life of the author plus fifty years, 17 U.S.C. 303.

4. U.S. Government Publications

All U.S. Government publications with the possible exception of some National Technical Information Service Publications less than five years old may be photocopied without restrictions, except to the extent that they contain copyrighted materials from other sources, 17 U.S.C. 105.

B. Permissible Copying of Copyrighted Works

The Copyright Act allows anyone to reproduce copyrighted works without securing permission from the copyright owner when the copying amounts to a "fair use" of the material, 17 U.S.C. 107.

1. Classroom and Research Uses

The photocopying practices of an instructor should not have a significant detrimental impact on the market for the copyrighted work, 17 U.S.C. 107(4). To guard against this effect, you usually should restrict use of an item of photocopied material to one course and you should not repeatedly photocopy excerpts from one periodical or author without the permission of the copyright owner.

Special consideration must be given to the photocopying of works intended primarily for performance such as music and plays. It may well be fair use to photocopy short excerpts for the purpose of research and teaching, but it is not fair use to copy entire works, even if they are short, for class performance. The courts found the copying and performance by a class of the three copyrighted Christmas carols to be an infringement of copyright (Oxford University Press, Theodore Presser Company, and Novello & Company, Ltd. vs. Longwood College, VA and Leonard E. Egbert, Jr.).

At the very least, instructors may make a single copy of any of the following for scholarly research, use in teaching or preparing to teach a class, and course management submissions:

- i. one chapter from a book or up to one third of the book;
- ii. one article from a periodical or newspaper;
- iii. one short story, short essay, or short poem, whether or not from a collective work;
- iv. one chart, diagram, graph, drawing, cartoon or picture from a book, periodical, or newspaper.
- v. one short excerpt of a work without chapters or articles, that does not exceed 15% of the entire work.
- vi. no more than 5 images from one artist or photographer and no more than 15% or 15 images, whichever is less, from a collection.
- vii. short excerpt of a film/movie that is up to 15% or 3 minutes, whichever is less.
- viii. short excerpt from music, lyrics, and music videos that is up to 15% of the work but no more than 30 seconds of the music or lyrics from an individual musical work.

Most single-copy copying for your personal use in research--even when it involves a substantial portion of a work--may well constitute fair use.

2. Use of Periodicals

- A. If the title is subscribed to by the Library or the issue needed is no longer available, a copy of an article or other contribution in a particular issue can be made.
- B. Where reprints are available or where permission to duplicate can be obtained through an agency or clearinghouse, such authorized copies should be used.

III. Interlibrary Loan:

- 1. Up to five copies of articles or other contributions from the most recent five years of any periodical not subscribed to; and
- 2. Up to five excerpts from a book or similar publication not owned.

Copies through interlibrary loan from materials owned or subscribed to by us are considered copies from our own collections. Copies from periodicals more than five years old are not covered by any guidelines. The Library will maintain records of interlibrary loan transactions to assure that the University remains within the guidelines.

IV. Off-Air Taping:

A video program may be taped off-air for class showing if the showing takes place within ten (10) class days after the recorded copy was made. The copy may

be retained for a total of forty-five (45) days for evaluation. If, at the end of that time, there is interest in retaining the off-air copy, the University must obtain a license from the distributor. These rules apply whether the tape was made at the University or by an individual faculty member at home. If the program was commercially available for purchase or license before broadcast, only a leased or purchased copy may be used for a class showing.

V. Computer Software:

Copyrighted computer software may not be copied unless permission has been obtained in writing from the copyright owner or a license to copy has been purchased. Fair use does not apply.

VI. Securing Permission to Copy:

If the needed copies do not constitute fair use of a copyrighted work, permission to copy must be obtained from the copyright owner. Some types of copying requiring permission are:

1. repetitive copying: The classroom or reserve use of copied materials in multiple courses or successive years will normally require permission from the owner of the copyright, 17 U.S.C. 107(3).
2. copying for profit: Faculty should not charge students more than the actual cost of copying the material, 17 U.S.C. 107(1).
3. consumable works: The duplication of works that are consumed in the classroom, such as standardized tests, exercises, and workbooks, normally require permission from the copyright owner, 17 U.S.C. 107(4).
4. creation of anthologies as basic text material for a course: Creation of a collective work or anthology by copying a number of copyrighted articles and excerpts to be purchased and used together as the basic text for a course will in most instances require the permission of the copyright owners. Such copying is more likely to be considered as a substitute for purchasing a book and thus less likely to be deemed fair use, 17 U.S.C. 107(4).

When a use of a copied material requires that you request permission, you should communicate complete and accurate information to the copyright owner. It is the policy of Susquehanna University that the individual user of the copies (faculty or staff member), not the University itself, secure permission. For more information on securing publisher permission, visit www.publishers.org

The process of granting permission requires time for the publisher to check the status of the copyright and to evaluate the nature of the request. It is advisable, therefore, to allow enough lead time to obtain permission before the materials are needed. In some instances, the publisher may assess a fee for the permission. It is not inappropriate to pass this fee on to the students who receive the photocopied material.

The Copyright Clearance Center also has the right to grant permission and collect fees for photocopying rights for certain publications. Libraries may copy from any journal which is registered with the CCC and report the copying beyond fair use to the CCC and pay the set fee. For information regarding permission types that are available for the publication you are interested in go to the Copyright Clearance Center website; www.copyright.com

(Revised by Library and IT staff members – 11/08)

Appendix 8
Library Circulation
Policies/Procedures

(Approved by the Library Committee, September 1, 1992)

1. Faculty/staff will receive a notice in late November identifying which books are signed out to them and when they are due. Faculty/staff may renew books for one additional semester by calling or sending the initialed list to the Circulation Assistant or Public Services Librarian. Non-returning faculty/staff will be sent a second notice on the final day of classes and billed at that time, with no option to renew.
2. In the third week of April, another notice will be sent to all faculty/ staff saying that the books listed must be returned to the Library by the final day of classes. Upon return, these books can be signed out again by faculty/staff who plan to return in the Fall.
3. Faculty/staff not responding to this notice will receive an overdue notice in May on the final day of classes. A bill for outstanding items will be printed and the system will automatically block further transactions. Faculty/staff will be notified on the overdue notice that access will be denied until the record is cleared either by return of books or payment of bill.
4. For non-returning faculty/staff: Library staff must obtain an early list of non-returning faculty/staff; the April notice will also be sent to them, followed by an overdue notice on the final day of classes. If materials are still not returned, a bill will be sent to the business office. If the bill is not paid, charges will be deducted from the final paycheck.
5. Faculty/staff will be charged the current standard price of the book or the current replacement cost if no cost can be determined for all non-returned books, which will be considered "lost".
6. Returning faculty/staff who charge books out in the summer will have a December due-date on those items. Non-returning summer faculty may borrow items for the summer semester only.
7. Any book checked out is subject to "Recall", which means the book can be called in before the due date. If needed by another university borrower, (faculty, staff, or student), faculty/staff would be contacted and asked to voluntarily return the requested item as soon as possible. Any book needed for course reserve will be subject to immediate recall from all borrowers.

PERIODICALS AND NON-PRINT MATERIALS

1. Periodicals do not circulate except by permission of librarians to faculty.
2. CD's and scores circulate to faculty for one semester; for others, four weeks.
3. Films/movies circulate to faculty for 3 days.
4. Non-print materials placed on course reserve circulate in-house only for a 2-hour period unless otherwise specified.