

Title: Policy on Duplication of Material Protected by Copyright	Policy Category: Administrative
Issuing Authority: Administrative & Finance	Responsibility: Provost's Office Administration & Finance
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Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy Statement/Background:

None

Policy:

The University expects all members of the campus community to respect the originality and integrity of contributions made by individual authors and artists. It is the responsibility of all faculty, staff and students to comply with the provisions of the federal Copyright Act when duplicating works created by others. These works include literature, music, drama, pantomime, choreography, pictures and graphics, sculpture, audio-visual presentations, motion pictures and sound recordings.

- The duplication of computer software is not allowed except as expressly permitted by licensing agreements. For further information regarding site agreements governing software, contact the Procurement Office.
- Taping of lectures requires prior permission of the individual lecturer.
- To ensure that the campus community is advised of the restrictions imposed by the Copyright Act, the University posts warning notices at unsupervised photocopying equipment, in all offices that process copying orders, on all forms used to request copying and at the University libraries.

Fair Use Guidelines

The "fair use" doctrine is a very limited exception to the Copyright Act's prohibition on duplicating copyrighted materials without prior permission from the copyright owner.

The exception applies only to reproduction by a teacher or student for such purposes as criticism, comment, news reporting, teaching, scholarship or research. Presentations by guest lecturers are not exempt.

Copying may not be substituted for the purchase of books, reprints or periodicals and usage of any reproductions must be limited to only one class term.

A single copy may be made of the following by or for a teacher, on request, for scholarly research or for use in teaching a class:

- The chapter of a book
- A single article
- A short story, essay or poem
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

Multiple copies for classroom use (not to exceed one per student) are limited to the following:

- A completed poem not exceeding 250 words and two printed pages
- An excerpt from a longer poem up to 250 words
- A completed article, story or essay if less than 2,500 words
- An excerpt from a prose work not exceeding 1,000 words or 10 percent of the work, whichever is less
- One chart, graph, diagram, drawing, cartoon or picture per book or periodical

In the event of challenge, the criteria used to evaluate whether or not the duplication of a copyrighted work was "fair use" will include: the nature of the copyrighted work, the amount or substantiality of the section copied in relation to the entire copyrighted work; the effect of the duplication on the potential commercial market for the original work; the spontaneity of the instructor's need for the duplicated material and the number of copies made.

Legislation Specifically Prohibits Duplication of Works as Follows

- Multiple copies of a poem, article, story or essay by the same author more than once per academic term, or multiple copies from the same collective work or periodical more than three times per term
- Overruns for courses other than one's own
- Copies of works in order to create an anthology
- Copies of "consumable" materials (e.g. workbooks)

Duplication of Copyrighted Materials by Libraries

In a single year, libraries may reproduce, without the copyright owner's permission, up to five copies of a periodical published within the last five years and up to five copies of small excerpts from longer works. The library may copy unpublished works for the purposes of preservation and security. Published works may only be copied for the purposes of replacement of damaged copies. Out-of-print works that cannot be obtained at a fair price may be duplicated. The University libraries places a notice of copyright on reproductions made for users and keeps records of photocopies made for inter-library loans.

Duplication of Copyrighted Materials by the Owner

The owner of the copyright may reproduce the copyrighted work without restriction. This right includes preparing derivative works from the copyrighted work, displaying and/or performing these works publicly and distributing copies to the public.

Copyrighted Materials Online

The TEACH Act establishes conditions for the limited use of copyright protected materials in distance learning, on websites and by other electronic means, without prior permission from the copyright owner. To enjoy this safe harbor, instructors who use copyrighted materials online or by linking to other web sites, must:

- Limit access to copyrighted works to students currently enrolled in the class;
- limit access to the time needed to complete the class session or course unit;
- prevent further copying or redistribution of copyrighted works;
- not interfere with copy protection mechanisms;

- use only "reasonable and limited portions" of the copyrighted work; and
- limit use of the copyrighted work to "an amount comparable to that which is typically displayed in the course of a live classroom session".

Instructors may not scan, store or upload complete works or significant portions of any type of work on a website for students to access throughout the semester, even if such access is associated with assigned coursework. Third party material made available online is to be treated as the functional equivalent of material ephemerally heard, used or displayed in a live classroom.

Definitions:

None

Contact:

Additional information about this policy is available here:

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Relevant Standards, Codes, Rules, Regulations, Statutes and Policies:

- [Copyright Law of the United States](#)
- [Office of the Provost Website, Copyright Protection](#)
- [University Libraries Website, Copyright](#)