



**OFFICE:** Library  
**DATE:** Last revised July 5, 2016  
**CATEGORY:** Policy  
**SUBJECT:** Copyright Policy

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## COPYRIGHT POLICY

### Purpose

The purpose of this policy is to support Benedictine University students, staff, and faculty in their daily work, which often requires access to the intellectual property of others. This policy is intended to supply members of the Benedictine University Community with an overview of their rights and responsibilities as they relate to the use and dissemination of copyrighted materials in light of The Copyright Act of 1976, Title 17 US Code, and amendments.

The Benedictine University Library is invested in understanding and adhering to US Copyright Law for the following reasons:

- Copyright law honors the work of creators by ensuring that they are paid for the work that they have done.
- By acting ethically and in accordance with the Copyright Laws, we create a culture of further collaboration and creation which supports our academic mission.
- We seek to create a culture in academia that will inspire others to use our works ethically.

### Copyright Overview

The Benedictine Library supports the Constitutional principle that the fundamental purpose of copyright is to promote the progress of science and the useful arts through the broad dissemination of information in a manner consistent with current copyright law. The Library also supports the doctrine of Fair Use and follows the legitimate use rights as set forth in the fair use provision, Section 107 of the United States Copyright Act of 1976.

### Fair Use in Higher Education

The doctrine of Fair Use affords members of the academic community many opportunities to use copyrighted material. The [Association of Research Libraries \(ARL\) Code of Best Practices in Fair Use](#) informs the Benedictine University Library's local policies and practices.

Below are four factors to consider when determining whether or not your intended use of copyrighted material constitutes fair use:

1. **Nature of the work used.** Is the copyrighted work fiction or non-fiction? The use of non-fiction works is generally favored more strongly than fiction or drama.
2. **Substantiality.** How much of the copyrighted work is being used? 10% of any work is the accepted best practice.

3. **Transformative effects.** How is the copyrighted work being used? Does the copyrighted work form the basis of a new factual or creative work, or is it being used mostly as-is. Generally, the more transformative the use, the more permissible.
4. **Market effects.** Perhaps most importantly, would the use of the copyrighted work favorably or unfavorably affect the actual or potential commercial market for that work? In other words, you must determine whether actual or potential sales could reasonably be lost from the use of the copyrighted work.

### **Unsupervised Copying/Scanning**

The Benedictine Library will post the following notice on all unsupervised copying machines and workstations:

**Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.**

### **Reserve Operations**

#### **In-House Reserves**

The Benedictine Library will hold single or multiple copies of materials on reserve for instructors, provided that the following guidelines have been met:

- Instructor has determined that the item they are placing on reserve complies with the Fair Use guidelines.
- A copy of the original notice of copyright must accompany materials.
- Fair Use determination can be made with the assistance of the Access Services Librarian or the Bookstore Manager.
- If materials do not meet Fair Use standards, the Instructor must obtain permission of copyright from the copyright holder.
- A copy of the permission must be given to the Reserves staff.

The Reserves staff will not place items on reserve without this permission.

Copyright permission may be obtained with the assistance of the Bookstore Manager.

**NB:** Repeated uses of copyrighted material require renewed permission from the copyright holder for each re-use.

Exams, lecture notes, and government documents do not require copyright permission.

#### **Electronic Reserves/Course Management System Readings**

Electronic Reserves and Course Management System Readings are governed by the same policies that cover In-House Reserves. The following additional considerations for Electronic Reserves will be met:

- If the Library holds a current license to access digital versions of copyrighted materials, direct access will be provided through a persistent link to our copy.
- Print versions of copyrighted materials may be scanned by the instructor if the appropriate copyright permission has been obtained or is owned by the Library. Any scanned materials should adhere to best practices of fair use. The scanned material should be made available

the class for one term only, and should be removed from the electronic reserves or the course management system when the term is over.

- When scanning materials to create an electronic link, be sure to work from copies that are either purchased through subscription or owned by the institution.
- A copyright notice will appear on screen in the electronic reserve or course reserve system for each item accessed.
- Copyright permission must be obtained for materials that are not owned by the library. Reposting of the same material in subsequent semesters requires obtaining a new permission each semester.
- If the materials will be required for multiple semesters, a purchase request can be submitted. Please use the form at: <http://www.ben.edu/library/faculty/purchase-request-form.cfm>

### **Interlibrary Loan**

The Library actively participates in Statewide, National, and International borrowing and lending of library resources for private study, scholarship and research. The Library reserves the right to refuse a request if, in its judgment, the request would violate copyright law.

The following guidelines will be met for Interlibrary Lending and Borrowing:

#### **Borrowing/Lending**

The Library will evaluate each article request to determine whether the request is in compliance with the relevant copyright laws and guidelines.

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Jack Fritts, University Librarian

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Provost Academic Affairs