

8/12/08

Dear Capital University Faculty Member:

Capital University's Blackmore Library has been reviewing its policy and procedures for accepting and maintaining materials on reserve in light of University policy and copyright law. We are writing to you to explain the new policy and procedures.

Please note that, effective immediately, materials will only be maintained on reserve for one semester. All items currently on reserve will be returned to the main stacks or personal copies back to the owning professor/department that placed them on reserve.

Capital University's policy on Copyright and Fair Use, which applies to all faculty, staff and students, provides:

**Copyright and "Fair Use"**

Capital University does not condone, authorize, or assist any infringement of copyright by faculty, staff, or students. It is the responsibility of the individual faculty, staff, and student to be informed about copyright law and permissible "fair use" of copyrighted works. Information regarding generally accepted guidelines and practice in higher education may be secured from University librarians, but the provision of such information shall not be, nor be construed to be, an authorization by the University of any particular use as a "fair use" under copyright law.

Under this policy, it is the responsibility of the individual faculty member submitting materials for library reserve to comply with copyright law and to make good faith determinations regarding "fair use". To assist you in making those determinations, we are attaching a helpful checklist from the Copyright Management Center.

Copying for library reserve is governed by the Fair Use doctrine, 17 USC Section 107 of the copyright law. Unfortunately, there are no simple and clear-cut rules for determining when copyrighted works may be copied without permission. Instead, four general factors need to be balanced or weighed in determining whether a particular use is "fair":

1. **purpose** and character of the use, including whether the use is of a commercial nature or is for non-profit educational purposes;
2. **nature** of the copyrighted work,
3. **amount** and substantiality of the portion used in relation to the copyrighted work as a whole, and
4. **effect** of the use on the potential market for or value of the copyrighted work.

No single factor or consideration is determinative. The following checklist sets forth considerations which tend to suggest that a use is "fair" (left column) and those which suggest that a use is not "fair".

If it appears that a use may not be a “fair use” within the meaning of the Copyright Act, permission may be obtained from the Copyright Clearance Center [www.copyright.com](http://www.copyright.com) or directly from the copyright owner.

## **Changes in Library reserve policies and procedures**

### **Beginning in the Fall of 2008**

- all requests are limited to *one copy*
- all requests for reserves must be placed online.
- all requests must be placed *item by item*
- all requests are limited to *one term*
- photocopies - one term allowed, for use in future terms copyright permission must be obtained and included with the reserve.
- course packs will no longer be accepted without accompanying permission in writing from the copyright owner for their reproduction and/or distribution. A “course pack” means a compilation (whether bound or loose-leaf) of any photocopied extracts from one or more sources which is intended to provide students with a compilation of materials designed to support the teaching of a course.

NOTE: Consider posting copies of a reserve on Blackboard instead. By using Blackboard there is no limit how many students can have access to it at one time and allows 24/7 access. *However, please remember copyright law applies whether an item is print or digitally provided and items must be taken down at the conclusion of each term.*

Blackmore Library will seek to continue to meet your needs for library reserves while implementing these changes to comply with the law. If you have any questions regarding the new policy or procedures for placing a reserve please feel free to contact the Circulation Supervisor at 236-6475 or [circdesk@capital.edu](mailto:circdesk@capital.edu). Thank you in advance for your cooperation in this matter.