

I. POLICY

The purpose of this policy is to outline Salt Lake Community College's copyright policy concerning the duplication of printed materials.

The principles of the copyright law are designed to promote the creation, publication, and use of works of the intellect. These principles include both the exclusive rights of copyright owners to determine certain uses of their works (in not-for-profit as well as commercial contexts), and certain exceptions including the doctrine of fair use. These precepts are in the mutual interest of the college, author, and publisher communities and of the public.

Under the copyright laws, certain photocopying of copyrighted works for educational purposes may take place without the permission of the copyright owner under the doctrine of fair use (presently set forth in section 107 of the Copyright Act). This principle is subject to limitations, but neither the statute nor judicial decisions give specific practical guidance on what photocopying falls within fair use. To achieve greater certainty of procedure, to reduce risks of infringement or allegations thereof, and to maintain a desirable flexibility to accommodate specific needs:

The procedures set forth are to be used to determine whether or not the prior permission of the copyright owner is to be sought for photocopying for use. To minimize intrusiveness and over-centralization, the responsibility for making this determination will continue to reside with the individual. In making this determination, the individual should carefully consider all sections of the procedures; that is to say that once work has been submitted to Printing Services, the position of Printing Services is that they assume there is no conflict with copyright and that appropriate action has already been taken by the requester for service to assure that this policy has been followed. If the proposed photocopying is not permitted under the procedure, permission to copy is to be sought. An explanation of how permissions may be sought and a procedure for furnishing to the immediate supervisor information concerning the responses by copyright owners to requests for permission is set forth under sections IV.E and IV. F. After permission has been sought, copying should be undertaken only if permission has been granted, and in accordance with the terms of the permission, except as provided in the next paragraph.

The doctrine of fair use may now or hereafter permit specific photocopying in certain situations, within limitations, beyond those specified in the procedures or those that might be agreed to by the copyright owner. If you have any questions, consult the Printing Services manager or librarian of the college. If upon review it is determined that some or all of the proposed photocopying is permitted by the

copyright law, the individual will be so advised in writing. In that event, should any such photocopying by the individual thereafter give rise to a claim of copyright infringement, the college will defend and indemnify the individual against any such claim.

In the absence of the determination and advice by the college administration referred to above, or in the event that permission has not been first requested by the individual as provided above, no defense or indemnification by the college shall be provided to an individual whose photocopying gives rise to a claim of copyright infringement.

II. REFERENCES

Reserved

III. DEFINITIONS

A. Brevity

1. Poetry: A complete poem if less than 250 words and if printed on not more than two pages, or from a longer poem, an excerpt of not more than 250 words.
2. Prose: Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words. (Each of the numerical limits stated in sections III.A.1 and III.A.2 may be expanded to permit the completion of an unfinished line of a poem or a poem or an unfinished prose paragraph.)
3. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
4. Special works: Certain works in poetry, prose or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Section III.A.2. notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

B. Spontaneity

1. The copying is at the instance and inspiration of the individual, and
2. The inspiration and decision to use the work and the moment of its use for maximum effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

C. Cumulative Effect

1. The copying of the material is for only one course or meeting for which the copies are made.
2. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
3. There shall not be more than nine instances of such multiple copying for one class term or meeting. (The limitations stated in sections III.C.2. and III.C.3 shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

IV. PROCEDURES

A. Single Copying

A single copy may be made of any of the following by or for an individual at his or her individual request for his or her scholarly research of use in teaching, preparation to teach a class or other responsibilities:

1. a chapter from a book;
2. an article from a periodical or newspaper;
3. a short story, short essay or short poem, whether or not from a collective work; or
4. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

B. Multiple Copies

Multiple copies, e.g., not to exceed in any event more than one copy per individual in a course or meeting, may be made by or for the individual giving the course or meeting for use of discussion, provided that:

1. the copying meets the test of brevity and spontaneity as defined below;
2. meets the cumulative effect test as defined below; and
3. each copy includes a notice of copyright.

C. Compliance Form

The individual requesting photocopying should fill out and sign a one line form provided by Printing Services simply asking the question, are you in compliance with the copyright law?

Yes ___ No___?

D. Prohibitions as to sections IV.A and IV.B.

Notwithstanding any of the above, the following shall be prohibited:

1. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works.
2. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
3. There shall be no copying of or from works intended to be consumable in the course of study or of teaching unless permission is indicated in the document or is obtained under the guidelines of this policy.
4. These include workbooks, exercises, standardized tests, and test booklets and answer sheets and like consumable material.
5. Copying shall not:
 - a. substitute for the purchase of books, publisher's reprints or periodicals;
 - b. be directed by a supervisor; or
 - c. be repeated with respect to the same item by the same teacher from term to term.
6. No charge shall be made to the student beyond the actual cost of the photocopying (may include binding, covers, other handling and/or photocopying fees).

E. How to Obtain Permission

1. When a proposed use of photocopied material requires an individual to request permission, communication of complete and accurate information to the copyright owner will facilitate the request.
2. The Association of American Publishers suggests that the following information be included to expedite the process:
 - a. the title, author and/or editor, and edition of materials to be duplicated;
 - b. the exact material to be used giving amount, page numbers, chapters and, if possible, a photocopy of the material;
 - c. the number of copies to be made;
 - d. the use to be made of duplicated materials;
 - e. the form of distribution (classroom, newsletter, meeting, etc.);
 - f. whether or not the material is to be sold; and
 - g. the type of reprint (ditto, photocopy, offset, typeset).

3. The request should be sent, together with a self-addressed return envelope, to the permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from *The Literary Marketplace* (for books) or *Ulrich's International Periodicals* (for journals), both published by the R. R. Bowker Company.
4. For purposes of proof, and to define the scope of the permission, it is important that the permission be in writing.
5. The process of considering permission requests requires time for the publisher to check the status and ownership of rights and related matters, and to evaluate the request.
6. It is advisable, therefore, to allow sufficient lead time. In some instances the publisher may assess a fee for permission, which may be passed on through the bookstore to students who receive copies of the photocopied material.

F. Gathering Data On Responses To Requests For Permission To Photocopy.

The following is a sample letter to a copyright owner (usually a publisher) requesting permission to copy:

Material Permissions Department
Hypothetical Book Company
500 East Avenue
Chicago, IL 60601

Dear Sir/Madam:

I would like permission to copy the following for use in my class next semester:

Title: Knowledge is Good, Second Edition

Copyright: Hypothetical Books Co., 1965, 1971

Author: Frances Jones

Material to be duplicated: Chapter 10 (photocopy enclosed)

Numbers of copies: 50

Distribution: The material will be distributed to students in my class and they will pay only the cost of photocopying.

Type of Reprint: Photocopy

Use: The chapter will be used as supplementary teaching materials

I have enclosed a self-addressed envelope for your convenience in replying to this request.

Sincerely,

Faculty Member

Date of last cabinet review: October 10, 1984

The originator of this policy & procedure is the assistant director of Content Services. Questions regarding this policy may be directed to the originator by calling 801-957-4019.