



## 1.1.080

# Reproduction and Use of Copyrighted Materials Policy

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Date of last board of trustees review: January 29, 2020

The originator of this policy is the Library Services Copyright Librarian. Questions regarding this policy may be directed to the originator by calling 801-957-3851.

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## 1. Policy

In recognition of its mission to further teaching, learning, research, and engage in public service, the college is also committed to fostering an environment that provides for the fair use of copyrighted works to achieve these goals while remaining in compliance with the applicable copyright laws. The college's policy is to not unduly restrict the use of works otherwise permitted under law. All faculty, staff, and students are expected to adhere to the limits for copying and the use of materials in presentations in a manner permissible as set forth under applicable laws and this policy.

## 2. References

- A. U.S. Copyright Law: 17 U.S.C.



## 1.1.080

# Reproduction and Use of Copyrighted Materials Procedure

Date of last executive cabinet review: October 29, 2019

The originator of this procedure is the Library Services Copyright Librarian. Questions regarding this procedure may be directed to the originator by calling 801-957-3851.

## 3. Definitions

- A. Academic Use: use of a copyrighted work that relates to or is consistent with the mission of the college such as criticism, comment, teaching, scholarship, or research.
- B. Concerted Reproduction: the planned or systematic reproduction of copyrighted works in small portions over time to avoid purchasing a copyrighted work.
- C. Copy: a reproduction of a copyrighted work regardless of the form of the work or the reproduction. This may include work obtained from digital or internet based materials.
- D. Copyright: the lawful right of an author, artist, composer, or another creator to control the use of their work by others.
- E. Copyright Owner: an author, artist, composer, or another creator who holds a copyright.
- F. Creative Commons Licensing: an alternative form of copyright licensing in which the creator determines which elements of copyright protection apply to the work.
- G. Digital Content: content characterized by electronic and especially computerized technology.
- H. Fair Use or Fair Use Exception: the right to use a copyrighted work under certain conditions without the permission of the copyright owner.
- I. Library Services: for this policy, the library services refers to all SLCC libraries.
- J. Open Education Resources (OER): OER are teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and re-purposing by others.
- K. Printing Services: the college department responsible for providing printing and copying services to college departments, students, and employees.
- L. Work: a creation that is capable of copyright protection.

## 4. Procedures

## A. Copying for Academic Use – Fair Use Standards

1. It is permissible to reproduce copyrighted works for academic purposes if the reproduction is made with permission or adheres to fair use standards. The factors to determine fair use are:
  - a. The nature of the copyrighted work, including whether the work is primarily data or factual based, or it is a creative work.
  - b. The quantity of the portion used relative to the copyrighted work as a whole.
  - c. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
  - d. The effect and significance of the portion use upon the potential market for or value of the copyrighted work.
2. A fair use analysis is required if relying on the fair use exception. For information to conduct an analysis, consult the [Copyright Fair Use Guide](#).
  - a. The four factors, listed above, are taken together, not in a one-by-one analysis. All four factors do not need to be equally met or weighed. The nature of the original work and amount used will weigh more heavily than the other two factors.
  - b. For more information, contact Library Services' Copyright Librarian.
3. Reproducing copyrighted works for students for a course should be performed through Printing Services.

## B. Transmission of Digital Content for Teaching

1. Digital content which includes any copyrighted work may be transmitted (shared) digitally among course instructors and students enrolled in a course if all of the following conditions are met:
  - a. The use of copyrighted works is with written permission by the copyright owner, or the use constitutes [fair use](#).
  - b. Access to the digital content is limited only to those students enrolled in the course for which the content has been obtained and only during the semester or another relevant period the course is offered.
  - c. Access to the digital content is controlled by password protection or an equivalent security measure.
2. As determined by Accessibility & Disability Services, a digital copy of copyrighted material may be created or modified to meet an accommodation request to comply with the Americans with Disabilities Act (ADA).
3. Teaching includes courses offered to students and internal training offered to faculty and staff.

## C. Copying by College Departments

### 1. Copying by the College's Library Services

- a. General reserve desks may circulate copies of library-owned copyrighted materials provided the copies comply with fair use standards.
- b. Library services shall abide by the Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines when fulfilling interlibrary loan requests.
- c. Library services may make copies of a copyrighted work on separate occasions as long as the library personnel have no reason to believe:
  - (1) the copies are part of a concerted reproduction; and
  - (2) the copies will serve as a substitute for a subscription to or purchase of the original work.
- d. A copyright notice will accompany all copied materials.
- e. Library services shall not:
  - (1) fill an interlibrary loan request where prior contractual obligations prohibit reproduction of copyrighted material; and
  - (2) honor a request from a borrowing library which has not verified on its order form that the request conforms to the copyright law and guidelines.
- f. Library services is permitted to make:
  - (1) reproductions of unpublished works that are currently in the library-owned collection for preservation, security, or deposit in another library; or
  - (2) a copy of published copyrighted work to replace a work that is damaged, deteriorating, lost or stolen, if:
    - (a) after a reasonable effort the library determines that it cannot obtain an unused replacement at a fair price; and
  - (3) the copy includes a notice of copyright.

### 2. Copying by Printing Services

- a. Except as noted below, reproducing copyrighted works for students for a course should be performed through Printing Services.
- b. Printing Services will not be responsible for obtaining permission for copyrighted works, but will verify permissions in the following ways:
  - (1) Permission will be assumed for course packets and other materials given to Printing Services by bookstore employees.
  - (2) Faculty, staff, and other users will be required to sign a release verifying copyright compliance that submitted material comply with copyright use or

qualifies for fair use.

- c. Printing Services will maintain a notice of copyright on all of their copy machines at all college campuses.
  - d. Printing Services shall not copy:
    - (1) any material with questionable copyright permissions;
    - (2) any material for which the requestor refuses to sign the release form;
    - (3) any material that the staff reasonably believe that copies constitute an unauthorized concerted reproduction of copyrighted materials; or
    - (4) any material that staff believe that copies will be an unauthorized substitute for a subscription or purchase of the original copyrighted work.
3. Copying by Other Departments and Publically Available Printers
- a. A fair use analysis is required to copy copyrighted materials on department printing devices.
  - b. All copiers shall carry a notice of copyright informing users of their liability for duplicating copyrighted materials.
  - c. Printing services shall maintain the approved notice of copyright and copies may be obtained at the Printing Services webpage or at their offices.
4. Copying for Course Packets
- a. The bookstore is responsible for its copyright compliance.
  - b. The bookstore will assist in obtaining permission to share copyrighted works for the materials sold through the bookstore.
  - c. Materials not sold through the bookstore but copied for a class should be copied by Printing Services and a release verifying copyright compliance, fair use compliance or Creative Commons license must be signed by the faculty members.
  - d. If requested, library services may assist faculty in obtaining permission to use copyrighted materials. Assistance may include:
    - (1) copyrighted materials uploaded directly to the college's learning management system (LMS, currently Canvas);
    - (2) copyrighted materials for professional development training or classes;
    - (3) Open Educational Resources (OER) or materials with Creative Commons licensing; and
    - (4) copyrighted materials used in classroom handouts or assignments.

D. Copying for Personal Use

1. Making a single copy of a copyrighted work, whether contained in the college library's collections or archives or obtained by interlibrary loan, is permitted if:
  - a. the college reasonably believes that the copy is not made for commercial advantage;
  - b. the copy will become the property of the user;
  - c. college personnel reasonably believe the copy will be used for private study, scholarship, research, professional development; and
  - d. the intended use of the copy constitutes fair use.

E. Failure to Comply with Policy

1. Students and employees who violate this policy are subject to disciplinary or corrective action.