

MUSKINGUM

U N I V E R S I T Y

Internal Correspondence

Course Materials and Copyright Compliance Policy (“Fair Use” Doctrine)

The following lays out the guidelines adopted as the University’s Copyright Compliance Policy/“Fair Use” doctrine interpretation. Faculty members are required to comply with this policy. Questions about the scope, applicability or meaning of the policy should be directed to James Callaghan, Vice President for Academic Affairs who, in turn, will consult with legal counsel, if appropriate.

Copies may be made for classroom use subject to certain limits and requirements. The following lists the requirements, which fall under three general categories:

1. Copies may not exceed 1 per student;
2. No fee should be charged/collected for the copy;
3. The copy may be a complete article if the article is less than 2,500 words;
4. Excerpts only are allowed for articles exceeding 2,500 words. The excerpt may not exceed the lesser of 1,000 words or 10% of the article (e.g., an excerpt from an article of 11,000 words cannot exceed 1,000 words. An excerpt from an article of 9,000 words may not exceed 900 words);
5. During a class term, no more than one article or two excerpts may be copied from the same author, nor more than three from the same work or periodical volume;
6. No more than nine articles or excerpts may be copied during one class term;
7. The copying cannot be from texts created for classroom consumable purposes such as workbooks;
8. The copy must be initiated by the instructor and not the institution, and the inspiration to make the copy and the actual use of the copies must occur close enough in time so that it would be unreasonable to expect a timely reply to a request for permission;
9. The copying cannot be a substitute for the purchase of books, reprints or periodicals;
10. Each copy must contain a notice of copyright

The University will consider a PDF copy posted to Blackboard as complying with the 1 copy requirement in item #1. Materials posted to Blackboard must comply with all other requirements above. The bookstore, Barnes & Noble, contracts for copyright acquisition and reproduction through a third party vendor, Xanadu. With respect to item #8 above, the standard lead time to prepare a “course pack” for sale is 6 weeks.

Faculty and staff are reminded that violation of an owner’s copyright can expose the University to significant liability and the costs of litigation. Therefore, strict compliance with the above policy is required. Any employee who violates such policy will be subject to employment discipline, which could include termination of employment.

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Copyright and Fair Use - Additional Information

Additional resources on copyright:

- [The Campus Guide to Copyright Compliance](#) (Copyright Clearance Center)
- [Copyright basics video](#) (Copyright Clearance Center)
- [Fair Use Evaluator](#) (Copyright Advisory Network, American Library Association)
- [Copyright Clearance Center – to obtain permission](#)
- [Digital Slider tool for public domain use](#) (Copyright Advisory Network)

Materials provided to students in class are subject to copyright laws. Certain materials can be exempt from payment of royalties to the copyright owner(s) under certain “fair use” doctrine conditions as discussed below. These criteria are the University’s interpretation, in consultation with legal counsel. The determination of compliance is ultimately the responsibility of the individual faculty member. If an item does not meet the “Fair Use” criteria, there are several options:

- Acquire the permission of the publisher. There are several options to acquiring permission. Our current Bookstore Operator, Barnes & Noble, provides copyright acquisition and production services for “course packs” that are then sold similar to other texts. Any materials offered to students for any fee should be offered only through Barnes & Noble.
- Consider if the material is subject to copyright. Content created by the U.S. Government is not protected by copyright law. Other material may be considered to be available in the public domain, which applies for certain older publications.
- For materials available online, provide a link to the item instead of reproducing the item.
- Several options exist to place materials on reserve at the library. Library staff can assist with these, which include:
 - Post the pages to e-Reserves,
 - Place the original on reserve with instructions for the particular chapter/pages/excerpt. Students can check out the material in the library to read on site or make a personal copy,
 - Place a single copy on reserve, which is checked out in the same manner as described above.