Electronic Reserve Policy (Full)

Ashland University Library recognizes the importance of making materials available to students as an adjunct to the classroom within the bounds of fair use. This institution follows the Copyright Law of the United States of America, Title 17, United States Code and expects faculty and staff to comply with this policy.

The Federal Copyright Laws set strict limits on the making of copies of copyrighted materials. Ashland University and Ashland University Library encourage the appropriate use of copied material within the spirit and letter of the law. The law exists to promote the useful arts and sciences as well as to protect the ownership rights of copyright holders. The University seeks a balance between higher education’s need to easily access and use information, and the rights of the owners.

The Electronic Reserves Manager consults with the library director to determine whether faculty requests for materials on electronic-reserves falls within the policy.

**Fair Use**

Fair use allows the public to make limited uses of copyrighted works without permission. These rights are limited. It is important to know that there are no precise rules, only "guidelines". The factors that determine fair use are:

- The purpose and character of the use. e.g. commercial or non-profit educational.
- The nature of the copyrighted work. e.g. fiction or factual, published or unpublished.
- The amount and substantiality of the work used. Infringement occurs even when a small percentage of the work has been copied if that portion comprises the heart of the work.
- The effect of the use on the value of or market for the original work.

The Library will apply these four factors to determine whether or not copied materials fall within Fair Use guidelines and whether they may be place on electronic reserve.

**Public Domain**

A public domain work is a creative work that is not protected by copyright and which may be freely used. Works in the public domain include those for which the copyright has expired and works of the U.S. Government. More specifics on public domain can be found at [http://www.unc.edu/~unclng/public-d.htm](http://www.unc.edu/~unclng/public-d.htm)

**Faculty owned works (faculty owns copyright)**

Reserve material, such as old exams, lecture notes, syllabi, etc., that were created by the instructor do not require copyright permission. Copyrighted reserve material, such as journal articles, books, and book chapters, that were created by the instructor do not require permission if the instructor owns the copyright. Otherwise, permission must be obtained from the rights holder.

**Links to online resources**

Ashland University will provide access to materials that are available online in full-text, through the databases subscribed to by the Library. The reserve staff will provide a persistent URL that can be used as a gateway to the material. This gateway will be made available through the electronic course reserves system unless specifically forbidden by the license agreement. Other online (web-based) resources may be copyright protected and fair use guidelines will apply.

**Types of works accepted for ERes (electronic reserves)**

Materials to be copied or scanned for electronic reserves will be in legal possession by the library or the faculty member (by purchase, license, fair use, etc.) or some other unit of the University.

Updated: July 26, 2010
**Library owned copies**
Library owned materials in physical format will be prepared for use in the library. Selected chapters and articles may be digitized and made available to those registered for a course per instructor request. Whole issues or volumes of journals will not be placed on electronic reserve. Electronic reserve access will be provided to requested materials that are available online in full-text, through the databases subscribed to by the Library unless specifically forbidden by the license agreement.

**Faculty owned copies**
A faculty member may lend his own legally obtained copy of a book, article, or other material to the library for the use of students registered in his course. If a physical work is lent to the library, the work will be supplied with identification and circulation labels. The library will not be liable for damage of loss of such work. A small portion of the book per fair use guidelines may be digitized for student use upon instructor request.

**Interlibrary loan copies**
Books, videos, and other physical materials obtained through interlibrary loan cannot be placed on paper reserve. An article or chapter, which was obtained through interlibrary loan for a faculty member, may be placed on e-reserves.

**Audio and visual media**
Due to the artistic creative element involved, copyright restrictions for audio, video, and graphic images are more stringent than restrictions for text based formats. Therefore, this material will not be placed on e-reserve unless the requestor supplies proof of permission to do so.

**Lead time**
Reserve lists for each semester should be submitted as early as possible. The reserves manager and staff prefers to receive requests well in advance of the first class meeting of the semester. Reserves can be added at any time during the semester. Electronic reserve materials are processed on a first-in, first-out basis.

Please allow at least five working days for materials to appear on your electronic reserve course page at the beginning of the term.

**ERes Requirements & Copyright**

**Notice of copyright**
Each course in the E-Reserve system will contain the following copyright notice, which applies to all materials listed for the course:
The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a copy or other reproduction. One of these specified conditions is that the copy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If a user makes a request for, or later uses, a copy or reproduction for purposes in excess of fair use that user may be liable for copyright infringement. Please be advised that to use electronic material, users must agree to the copyright notice by clicking the 'Accept' button following the notice.

**Permissions**
When materials requested for reserve have been used in previous semesters, Ashland University Library will seek to obtain permission for reserve use through the Copyright Clearance Center or directly from the publisher. The Library will assume CCC annual fees and per item service charge for seeking permission. The library will retain documentation relating to permissions and payment of royalties.

Updated: July 26, 2010
Materials requested for use is subsequent semesters may be scanned and made available to students while permission is being sought. If permission is denied, or the copyright fee exceeds campus limits, library staff will contact the instructor and remove the materials from the reserve system. Faculty members may also seek permissions on their own initiative. All letters of permission, or evidence of fees paid must be submitted and will be retained on file in the reserves department before an item can be placed on reserve. Faculty may post student work as long as student permission has been granted.

Restrictions
E-reserve material will be restricted in use to members of the class assigned. The instructor will give out passwords to be used to access the material to prevent viewing by other students. Students will be told not to print off the material for use by students not in the assigned class or others outside the classroom environment. Consumable materials, such as workbooks, exercise sheets, and standardized test booklets, may be placed on reserve as long as the guidelines for Fair Use and the 20% limit are adhered to.

Length of works, total amount of material for a course
Based on agreements and guidelines between publishers and the academic community, typically the following may be copied for books and journals:

- a small portion of a copyrighted book including a single chapter of a book (no more than 20%)
- a single article from a single issue of a journal

Material may be placed on electronic reserve under fair use guidelines for one semester. For use in subsequent semesters of the same materials, copyright holder permission should be sought. Electronic reserves are not intended to replace a course pack or traditional textbook. The Conference on Fair Use guidelines state that “the total amount of material included in electronic reserve systems for a specific course as a matter of fair use be a small proportion of the total assigned for a particular course.”

No more than one article from one issue of a journal may be photocopied or scanned for electronic reserves. Physical copies of books and bound volumes of journals may be placed in the traditional reserve collection as many times or for any duration as required for reserve use.

Restriction to members of the class
Access to materials on e-reserve will be limited to enrolled members of the current semester’s course, and only that course, by a special password provided to members of the course to access the materials.

Repeated use
The first use of an item for e-reserve may be considered fair use. Each repeated use of the item will require copyright permission from the copyright holder. While waiting for permission, the reserves staff will place materials in the reserve system. Please consider a print or electronic course pack to students to purchase from the bookstore if you use the same material repeatedly.

Licensed works – links or reproduction of work into the e-reserve system
Links to content in our licensed databases may be used in the e-reserves system for an unlimited period of time, unless a particular database vendor’s license prohibits such reuse. Items will not be digitized from the licensed database and stored in the library’s file system unless the license agreement allows such an e-reserves practice.

Faculty are encouraged to post URL’s to appropriate web sites in their course syllabi as unlicensed web sites are subject to the same copyright consideration in the e-reserve system as are printed works.

Violations of the policy
Copyright holders who believe material has been posted on The University Libraries Electronic Reserve system without appropriate permissions or licensing should contact Reserve Service staff.

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soon as possible. Instructors will be contacted immediately if any copyright concerns are noted. Items found in violation of copyright policy will be immediately removed from electronic reserve. The library reserves the right to refuse to place any new material on reserve or to remove any current reserve material if it believes that the reserve material meets any of the criteria below:

• Material is in violation of the current copyright law.
• Material is in violation of pertinent fair use guidelines.
• Copyright permission has not been obtained for materials that fall outside the realm of fair use.