

NONPRINT RESERVES

GENERAL GUIDELINES

Audiovisual Reserves

Vanderbilt University
Heard Library
Nashville, Tennessee

Video Reserves

Non-book materials such as CD-ROMs, CDs, Slides, Cassettes and Videos must be placed on reserve in the Government Info/Media Desk on the 4th floor. This facility has the equipment for the students to access this type of material. These materials can be placed on reserve using the Online Video Reserve Request Form.

Whether using print or electronic reserves, new lists must be submitted each semester. In the case of electronic reserves, copyright permissions are granted for one semester at a time only. Reserve lists and materials from previous semesters cannot be stored in the Reserve Room. Personal copies of books or articles placed on reserve for a semester need to be picked up by the last day of exams if possible. If that is not convenient and an alternate pickup time needs to be arranged or if there are any questions about placing materials on Reserve, call [staff contact].

Milwaukee Area Technical College
Milwaukee Area Technical College Library
Milwaukee, Wisconsin

Videocassettes on Reserve:

- College of the Air (TV College) videocassettes may be checked out for two hours within the library.
- No more than two College of the Air videocassettes per course can be loaned at one time.
- College by Cassette videos loan period is four weeks.
- Only one tape per course can be loaned at one time.

University of Iowa
University of Iowa Libraries
Iowa City, Iowa

Reserving video material will help ensure the availability of a video within the Media Services room during the hours the unit is open. Reserved videos may not be checked out from the Media Services unit except to be shown in a class by an instructor.

There are three categories of reserve:

- I. Weekly Reserve: For example, an instructor may put a video on reserve for a week or so depending on need to ensure the availability of the video for the class. We will also need a date

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that the video will be shown in class. While a video is on reserve it may not leave the Media Services Department unless approved by the Instructor placing the reserve.

2. Semester Reserve: Instructors may put video material on reserve to use all semester. This material can be checked out by other instructors but not by students. Please remove the material from reserve if you find that you no longer need it for the whole semester.
3. 16MM Films: Instructors may check out 16mm films for class only and must be returned after the class is finished. These films are reserved the same way as VHS and DVDs. CIC films must have approval from the Films Studies Department and forwarded to us so that we can put it in the computer and also bill the department. If department isn't open you will need to drop the film at the North entrance.

The Media Services unit will accept instructor- or student-owned videos for reserve use. Those placing their own video material on reserve must inform staff regarding the category of reserve and must retrieve the material at the end of the reserve period. Media Services staff cannot accept responsibility for the return of the video material nor responsibility for damage to or theft of the material while it is in reserve status. Video material not retrieved will be disposed of eventually. Exceptions to these guidelines are made in consultation with the Media Services Supervisor.

Scanning Materials

University of Texas at El Paso
University Libraries
El Paso, Texas

Policy Statement: Library Scanning Policy for Electronic Reserves

The mission of the Library is to provide all faculty, students and staff access to the various book collections and electronic resources housed or maintained in the library. Use of electronic reserve materials is restricted to students currently enrolled in a class whose instructor requested the access of his information through electronic means.

The copyright law (Title 17, United States Code) sets strict limits on making copies of copyrighted works. Exceeding these limits may subject the individual to liability for infringement with damages up to \$100,000 per work.

The Library reserves the right to refuse either to accept a copy request that would involve a violation of copyright law or to make available through course reserve materials that might have been duplicated in violation of copyright law. The library can make no more than five copies of an article or portion of a book in accordance with "fair use" guidelines as outlined in Section 107 of US Copyright Law.

Section 107 Fair Use:

For institutions of higher education, the cardinal portion of the Copyright Act is Section 107 of the Copyright Act, the fair use provision. This section sets forth the factors that must be evaluated in determining whether a particular use, without prior permission, is a fair and, therefore, permitted use. The legitimate and lawful application of fair use rights provides the necessary and constitutionally envisioned balance between the rights of the copyright holder versus societal and educational interests in the dissemination of information.

Section 107 is as follows:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is fair use the factors to be considered shall include:

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The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

The nature of the copyrighted work;

The amount and substantiality of the portion used in relation to the copyrighted work as a whole;

The effect of the use upon the potential market for or value of the copyrighted work.

Electronic Reserves is an extension of traditional library services and will be provided in a manner that respects fair use rights, the right of copyright holders, and current copyright law. The electronic copying and scanning of copyright protected works for library reserve service and distance learning are unsettled areas of the law which may be addressed by courts and/or legislation. The UTEP library will continually monitor legal developments that may affect the fair use analysis of Electronic Reserves to ensure that library services are in compliance with the letter and spirit of the U.S. copyright law.

Vanderbilt University
Central Library
Nashville, Tennessee

Electronic Reserves

Journal articles, old tests, homework solutions, or book chapters provided by the instructor can be made available electronically through OAK (Blackboard). OAK (Blackboard) is the electronic reserves system used and supported by the Heard Library System. All electronic reserves readings that the Library supplies are in a content area in the course page of OAK (Blackboard) called E-Reserves. Students really have enjoyed the convenience of remote access via OAK (Blackboard). Clean, unstapled, single-sided paper copies of the materials must be delivered to the library in person or by mail. Files on disk or CD can also be linked electronically.

When faculty request that Library staff place materials on either OAK (Blackboard), reserve staff will scan and link the items, provide the necessary security, and work with the Copyright Clearance Center to obtain any needed copyright permissions. Copyright costs will be charged back to the appropriate school. Whenever possible, full text or imaged articles will be linked through one of our licensed electronic resources or other web sites rather than scanning the document, thus avoiding copyright clearance costs. If copyright permissions are required, the materials will be scanned first and made available to the students while copyright permissions are being obtained. The VU Copyright Clearance Center in the General Library Building will obtain these permissions. OAK (Blackboard) items on electronic reserves are only available to enrolled students in the class.

Electronic Reserves

Colorado State University Pueblo
Colorado State University Pueblo Library
Pueblo, Colorado

Policy for Electronic Reserves

Access to Published Copyrighted Materials

The University Library Circulation Department bases its electronic reserve policy on the fair use provisions of the United States Copyright Act of 1976, Section 107, which permit making multiple copies for classroom use, and is one of six examples of uses which do not require the permission of the copyright owner, nor the payment of a royalty if the circumstances of use are fair as assessed by the four factors listed in section 107 of the Copyright Act. The text of this section follows:

“Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonograph records or by any other means specified in that

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section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include the following:

1. the purpose and character of the use including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and sustainability of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work."

An item for reserve must conform to the above fair use factors based on an analysis using the following widely used interpretations:

1. the material is to be used for nonprofit educational use;
2. is a published and copyrighted work;
3. uses an appropriate amount, not including the "heart of the work";
4. is lawfully acquired and cannot replace the sale of a copyrighted work.

The collections of the Colorado State University–Pueblo Library are purchased for the nonprofit educational use of our students and faculty, with the understanding that there will be multiple uses of a limited number of copies. Libraries frequently pay premium institutional subscription prices for journals, expressly for the privilege of supporting multiple academic users. The sole purpose of Electronic Reserves will be to facilitate the making of multiple copies for classroom use by students.

The University Library will adhere to the following procedures in order to insure that items placed on reserve conform to the spirit and letter of the 1976 Copyright Law, and the fair use provisions therein:

- Materials will be placed on Electronic Reserves solely at the initiative of Colorado State University–Pueblo faculty for the non-commercial, educational use of their students.
- Materials not owned by the University Library will be purchased whenever possible; if purchase is not possible, a licensing fee will be paid to the publisher.
- No more than one article per journal issue per course may be scanned for placement on Electronic Reserves.
- No more than 25% of an entire book may be scanned for placement on Electronic Reserves.
- There will be no charge for students to access Electronic Reserves. A nominal per page fee to cover the cost of printing within the University Library may be charged in the future.
- A copyright notice will appear on screen and must be acknowledged before the student is permitted to access materials on Electronic Reserves.
- Materials on Electronic Reserves will be accessible only by faculty name or course number.
- Students may access materials on Electronic Reserves only by using a course password.
- Electronic documents will be deleted from the E-reserves system when they are no longer used for course instruction.
- At the end of each semester, Electronic Reserve materials will be archived.
- The University Library will adhere to the principles of Fair Use when placing materials on Electronic Reserves.

The electronic copying and scanning of copyright-protected works for library reserve service are unsettled areas of the law which may be addressed by the Supreme Court or in future revisions of the copyright law.

CSU-Pueblo Library will continually monitor legal developments which may affect the fair use analysis of electronic reserve services to ensure that library services are in compliance with the letter and spirit of the United States Copyright Law.

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The University Library reserves the right to refuse any material submitted that does not comply with copyright guidelines. However, users of reserve materials assume all risk for purposes of copyright.

I have read and agree to the University Library's Electronic Reserve Collection Policy

Faculty Signature

Date

Please retain a copy for your files and return the signed original to the Library Circulation/Reserve Desk.

University of Scranton
Weinberg Memorial Library
Scranton, Pennsylvania

The University of Scranton's Web site is changing, and policies will be separated from information on the updated sites.

Electronic Reserves

Electronic Reserves are available over the Internet. Access is restricted through the use of a password distributed by the faculty member who is teaching the course. For an item to be placed on reserve, it must comply with copyright restrictions.

University of Texas at Austin
University of Texas Libraries
Austin, Texas

Electronic Reserves

Instructors are responsible for placing course materials on electronic reserve. Materials on electronic reserve are available online through the University of Texas Libraries Web page and are restricted to the students enrolled in each course. Electronic reserves are available from Internet-connected computers and may be accessed simultaneously by any number of students. Therefore, no loan periods are associated with electronic reserves.

Because instructors control their own electronic reserve materials, they may add and remove materials at any time during the semester. Instructors are responsible for complying with The University of Texas System Policy Statement on Use of Copyrighted Materials.

The University of Texas Libraries staff are responsible for maintaining the electronic reserves software and server, issuing electronic reserves accounts to instructors, and training instructors to use the software. Library staff may limit the number of electronic reserve items which can be posted for each course to accommodate space constraints on the reserves server.

E-RESERVE COPYRIGHT CONCERNS

Library's Responsibilities

Towson University
Albert S. Cook Library
Towson, Maryland

Cook Library Responsibilities Regarding Copyrighted Works Placed on E-Reserve

Materials will be included solely at the request of Towson University course instructors. Cook Library will not charge for access to e-reserves, nor will patrons making single copies for private study, scholarship, or research be charged beyond the actual cost of such photocopies or printouts.

Access to materials will be restricted via password-protection to students, instructors, instructional support staff, or course administrators for the specific course for which the materials were requested.

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Access to materials will be disabled at the end of the semester or when students have completed the course.

Appropriate citations or attributions to sources will be included for each item.

Any notice of copyright that appears on the original item will be reproduced on the copy posted in e-reserves.

A copyright warning will be included on a preliminary or introductory screen for all e-reserve course pages notifying patrons that U.S. copyright law governs the making of photocopies or other reproductions of copyrighted material and that patrons may be liable for infringement if they engage in uses which exceed fair use.

Material will be linked to, copied, or scanned for inclusion in e-reserves only from copies of the work that have been legally acquired by the library, the requesting instructor, or some other unit of the University.

Repeat use of material by the same instructor for the same course may require permission of the copyright owner; instructors must indicate on the e-reserves submission form whenever their use of a given work is a repeat use. Cook Library will research and request permission from the copyright owner for such uses when necessary.

“Consumable” copyrighted instructional materials (e.g., standardized tests, exercises and workbooks, lab manuals, etc.) will not be placed e-reserve under a claim of fair use.

Materials placed on e-reserve under a claim of fair use will generally meet the following limits as to amount and substantiality of the portion used from the original copyrighted work:

Short works: One item may be included in its entirety from a given collective work (e.g., an article from a particular issue of a journal issue; a chapter from a book; a poem, short story, or essay from an anthology or compilation), so long as the item is of customary length to be considered a small part of the collective work and so long as it could not be considered the “heart” of the collective work.

Longer works: Articles, chapters, poems, and other works that are of such length as to constitute a substantial portion of the journal issue, book, or other collective work-or which, regardless of length, could be considered the “heart” of the work-will only be included as excerpts in e-reserve under a claim of fair use.

Note: Uses of works of an imaginative or highly creative nature (e.g., fiction, poetry, plays, essays) are more restricted under the second fair use factor (nature of the work) than factually based works (e.g., journal articles). Accordingly, regardless of length, instructors should request only as much from such works as would be necessary to meet their desired teaching goal.

Materials posted on e-reserve under a claim of fair use that exceed these amount limits may still qualify as fair use, depending on the specific circumstances involved. Cook Library will make these determinations as warranted, but faculty who would like more information may consult with the library's copyright liaison

Instructor's Responsibilities

Towson University
Albert S. Cook Library
Towson, Maryland

Instructor Responsibilities Regarding Copyrighted Works Placed on E-Reserve

The materials placed on e-reserve will only be used for non-profit educational activities relating to specific courses or educational programs.

The password required to access the course e-reserve page will only be distributed to students, instructors, instructional support staff, or course administrators for the specific course for which the materials are requested.

The total amount of material placed on e-reserve is reasonable in relation to the total amount of material assigned for one term of a course, taking into account the nature of the course, its subject matter and level. E-reserves are not intended to substitute for coursepacks or commercially available textbooks,

anthologies, or other compilations. In some cases, Cook Library may request a copy of the course syllabus before e-reserve requests can be processed.

The requested material is not already included in a coursepack created for the course.

Determining Fair Use

Towson University
Albert S. Cook Library
Towson, Maryland

What is Fair Use?

The fair use statute (Sec. 107, Title 17, U.S. Code) serves as one of several limitations on the exclusive rights granted by federal law to copyright owners. Sec. 107 specifies that use of a copyrighted work for purposes such as “teaching (including multiple copies for classroom use), scholarship, or research” is not an infringement of copyright when the following four factors are taken into consideration in regard to the proposed use:

- the purpose and character of the use;
- the nature of the copyrighted work used;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- the effect of the use upon the potential market for or value of the copyrighted work.

In any fair use analysis, consideration must be given to all four factors-the factors must be weighed in the aggregate and no single factor is solely determinative of a finding for or against fair use. The fair use statute contains no definitive limits beyond consideration of the four factors, so each use must be addressed on a case-by-case basis.

The faculty and library responsibilities included in these guidelines apply to all materials placed on e-reserve at Cook Library, but they are also intended to address one or more of the four factors described in Sec. 107 for those materials placed on e-reserve under a claim of fair use.

For more information about fair use, see “Fair Use Issues,” on the IUPUI Copyright Management Center’s site.

Copyright Owner’s Permission

Towson University
Albert S. Cook Library
Towson, Maryland

Cook Library will research any permissions necessary for materials included in e-reserves in excess of fair use.

In cases where payment of a royalty is required and the cost of such payment is prohibitive, Cook Library will consult with the requesting instructor about alternatives to including the material in e-reserves.

Similarly, in cases where permission to post material in e-reserves is requested but denied by the copyright owner, Cook Library will explore alternatives to e-reserves with the requesting instructor. One alternative to including such material in e-reserves may be to place the item on print reserve in Cook Library if the library already owns a legally acquired original copy (as opposed to a photocopy) of the work, or if the library can purchase a commercially available copy of such works when they are not already in its collection.