

Shenandoah University Libraries'

Copyright Policy for Reserve Materials

Rationale for the Reserve Policy

The [Association of Research Libraries' statement of principles on intellectual property](#) states:

The genius of the United States copyright law is that it balances the intellectual property rights of authors, publishers and copyright owners with society's need for the free exchange of ideas. Taken together, fair use and other public rights to utilize copyrighted works, as established in the Copyright Act of 1976, constitute indispensable legal doctrines for promoting the dissemination of knowledge, while ensuring authors, publishers and copyright owners protection of their creative works and economic investments.

Fair Use is determined through the application of four factors prescribed by Congress in the 1976 law:

1. The purpose and character of the use
2. The nature of the copyrighted work
3. The amount and substance of the portion used in relation to the whole
4. The effect upon the potential market

There are no legally binding rules more specific than these four guidelines; the law relies upon the honest judgment of the public and educators to apply the four factors in a reasonable fashion. Ultimately, each situation must be judged individually, through litigation if necessary.

In order to ensure Shenandoah University Libraries operate within the ethical and legal boundaries set forth in the law, the following library reserve policy has been developed by Shenandoah University librarians. It is based on guidelines developed by the American Library Association, Congressional committees, and the Information Infrastructure Task Force (a working group made up of respected education and information organizations), and has been modified to accommodate particular needs of University faculty and our libraries.

Print Materials Including Music¹

- The material reproduced from a work must be reasonable in both quantity and substance.
- The effect on the potential market of the work will not be detrimental.
- The reproduced material must prominently display appropriate warning of copyright.
- Students will not be assessed fees.
- A maximum of one reproduction for every ten students, or fraction thereof will be allowed.
(Exceptions may be approved by the Library Director based on length of item, level of difficulty, and time available.)
- The same reproduced material cannot be placed on reserve more than one semester for the same class unless permission is obtained from the copyright holder. (This does not apply to originals owned by the library, or provided on a temporary basis by the faculty member.)
- Providing proof of permission is the responsibility of the faculty member.²
 - Permission fees are the responsibility of faculty members and their respective schools.
 - University libraries will maintain appropriate records.
- University Libraries prefer to own a copy of works placed on reserve, but copies owned by the instructor can be used on a limited basis.

How to Place Print Items on Reserve

Faculty should submit reserve materials or lists, along with a copy of the course syllabus, to the appropriate library (Smith or Health Sciences) via campus mail at least five working days before the beginning of each term to enable staff to assemble and process reserves.

¹ According to the 1976 Congressional Guidelines: “For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a selection, movement or aria, but in no case more than 10 percent of the whole work.”

² University librarians are available to consult with faculty members and/or persons designated by University Schools who need to learn more about copyright in order to stay in compliance with the law.

Alternately, faculty may choose to present in person to the Circulation Desk those items they want to place on reserve. Please allow 48 hours for the processing of materials which are hand delivered.

How to Place Scores and Recordings on Reserve

Faculty should provide those items they want to place on reserve to the Media Center Desk. Please allow 48 hours for the processing of materials that are hand delivered.

Electronic Reserve Materials

- The material reproduced from a work must be reasonable in both quantity and substance.
- The effect on the potential market of the work will not be detrimental.
- The reproduced material must prominently display appropriate warning of copyright.
- Students will not be assessed fees.
- A maximum of one reproduction for every ten students, or fraction thereof will be allowed.
(Exceptions may be approved by the Library Director based on length of item, level of difficulty, and time available.)
- The same reproduced material cannot be placed on reserve more than one semester for the same class unless permission is obtained from the copyright holder. (This does not apply to originals owned by the library, or provided on a temporary basis by the faculty member.)
- Providing proof of permission is the responsibility of the faculty member.³
 - Permission fees are the responsibility of faculty members and their respective schools.
 - University libraries will maintain appropriate records.
- University Libraries prefer to own a copy of works placed on reserve, but copies owned by the instructor can be used on a limited basis.
- Access to electronic reserve materials will be limited to only those students registered for the course by using security procedures deemed appropriate by the University libraries.
- Reproduced materials to be used at a later time will be retained by University libraries for a maximum of three years from the date of last reserve usage.

³ University librarians are available to consult with faculty members and/or persons designated by University Schools who need to learn more about copyright in order to stay in compliance with the law.

- Short-term access will be provided to students who have not completed the course during regular course time limits.

How to Place Items on Electronic Reserve

Faculty who wish to create electronic reserve collections should contact Andy Kulp. Electronic reserves take considerably longer to scan and make ready for use, so faculty should allow a minimum of two weeks before expecting an item to be available.