William James College Library Copyright Compliance and Course Reserves Policy

General Information

William James College Library supports the academic mission of William James College and acts as an extension of the classroom by providing access to a variety of items that instructors may assign to students. The library maintains electronic subscriptions to over 1,500 journals, 60,000 electronic books, and 1,000 streaming videos. In addition, the library subscribes to an Annual Academic Copyright License that allows our community the freedom to share select copyrighted content from journals and books to which we do not subscribe.

The library has the responsibility to respect the intellectual property rights of the creators of these materials and comply with copyright law. This policy has been drafted to help faculty ensure compliance with copyright law and outlines the procedures to be followed by the faculty and staff.

What is Course Reserve?

William James College Library has two different types of course reserves: physical and electronic.

Physical reserves include textbooks, psychological testing materials, DVDs/Videos, and any other physical item placed on the library’s reserve shelf. Instructors may request personal copies of materials be placed on the reserve shelf, in addition to library-owned materials. Requests must be made in writing to the library at least two weeks prior to the start of classes.

Electronic reserves are electronic files, such as PDFs, Word documents, streaming media, website links, and any other electronic items that are located on the Ares Course Reading Management System, Canvas, or any other electronic system.

Items that cannot be placed on course reserve include, but are not limited to: consumable workbooks (including testing protocols), exercise sheets, or any other items that are intended primarily for use in the classroom or by individual students; materials belonging to other libraries; materials printed from the internet.

Instructors can post their own material for which they are the copyright holders (e.g. lecture notes and presentations) on the Canvas system. All other materials should be placed in Ares.

Ares Course Reading Management System

In order to manage and record copyright fee data, as well as provide a convenient and easy-to-use location for course readings, the library uses the Ares Course Reading Management System. Ares connects conveniently to Canvas and allows instructors to post PDFs, audio, video, and website links to a central location for students to access from both on and off campus.

There are many exciting benefits to using Ares:

- Instructors may upload their own copy of a reserve item or request that the library obtain the item, in one easy-to-use online form.
- Instructors may assign proxy users, such as teaching assistants, to upload and manage course pages.
- Instructors may copy readings from other courses or previous semesters, including from courses taught by other instructors, without reentering citation information.
Instructors can add unique tags to each reading, such as keywords or assignment numbers, for quick reference.
Instructors can monitor student usage which shows how many times a particular reading is accessed by the class.

Ares is an asset for the library as well. It helps us to ensure we comply with copyright law by allowing only students enrolled in the course to access the materials. We can also track copyright compliance, pay copyright fees, and keep detailed records within the system. To date, over 10,000 individual items for over 700 academic courses have been posted to Ares and we continue to grow as new departments and classes are added.

If a faculty member wishes to opt out of using Ares this must be discussed and approved by the department chair. If the department chair approves the use of an alternative course reading system, the faculty member must discuss copyright compliance for each reading assigned to his or her courses with the librarian.

Ares or any other course reserve management system is not intended to replace textbooks. Materials are placed on course reserve only during the time period they are required by a particular course. The librarian determines whether instructor requests fall within the course reserve policy. We are not able to process requests that fall outside the scope of the service, but will make every effort to help locate alternative resources.

Once a course reserve item is added to Ares, the library is automatically notified and will initiate copyright clearance procedures without any further actions needed by the instructor. If there are any problems with obtaining copyright clearance, the library will contact the instructor to discuss the issue. Otherwise, course reserve materials are automatically made available to instructors on the Ares website once processed by library staff.

For further details about using Ares and uploading course readings, please visit http://guides.williamjames.edu/faculty.

Copyright

Fair Use

William James College Library makes a good faith effort to adhere to U.S. Copyright Law and Fair Use Guidelines. The following sources are among those reviewed in the creation of this policy.

- United States Code, Title 17, Copyright Law. Sections 107 and 108 are applicable for library use.
- United States Copyright Office Fair Use Index

The Fair Use Guidelines allow limited use of copyrighted works without permission. To decide whether use of copyrighted materials is considered fair use, consider the following four factors excerpted from copyright.gov:

- “Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes: Courts look at how the party claiming fair use is using the copyrighted work, and are more likely to find that nonprofit educational and noncommercial uses are fair. This does not mean, however, that all nonprofit education and noncommercial uses are fair and all commercial uses are not fair; instead, courts will balance the purpose and character of the use against the other factors below. Additionally, “transformative” uses are more likely to be considered fair. Transformative uses are those that add something new, with a further purpose or different character, and do not substitute for the original use of the work.
• **Nature of the copyrighted work:** This factor analyzes the degree to which the work that was used relates to copyright’s purpose of encouraging creative expression. Thus, using a more creative or imaginative work (such as a novel, movie, or song) is less likely to support a claim of a fair use than using a factual work (such as a technical article or news item). In addition, use of an unpublished work is less likely to be considered fair.

• **Amount and substantiality of the portion used in relation to the copyrighted work as a whole:** Under this factor, courts look at both the quantity and quality of the copyrighted material that was used. If the use includes a large portion of the copyrighted work, fair use is less likely to be found; if the use employs only a small amount of copyrighted material, fair use is more likely. That said, some courts have found use of an entire work to be fair under certain circumstances. And in other contexts, using even a small amount of a copyrighted work was determined not to be fair because the selection was an important part—or the “heart”—of the work.

• **Effect of the use upon the potential market for or value of the copyrighted work:** Here, courts review whether, and to what extent, the unlicensed use harms the existing or future market for the copyright owner’s original work. In assessing this factor, courts consider whether the use is hurting the current market for the original work (for example, by displacing sales of the original) and/or whether the use could cause substantial harm if it were to become widespread” (“More Information on Fair Use,” 2016).

If a course reserve item falls outside of Fair Use Guidelines the instructor may ask the librarian to acquire permission from the rights holder. In the event that a copyright fee is required, the librarian will consider the financial impact of the fee on the library budget and may suggest alternative sources. If copyright permission is not granted, the library will make every effort to help faculty locate alternative resources.

**Academic Copyright License**

The Academic Copyright License (ACL) is another way the library supports faculty needs and ensures that the College complies with copyright law. The ACL is maintained by the Copyright Clearance Center and grants the William James College community the right to reproduce content from over 1 million titles, including both books and journals, for educational purposes. For more information and to learn how to check if an item is covered by the ACL, please visit [http://guides.williamjames.edu/copyright](http://guides.williamjames.edu/copyright).

**Public Domain**

An item for which copyright has expired, the copyright owner fails to follow copyright renewal rules, is deliberately placed in the public domain, or is not protected by copyright law is considered as being in the public domain. Items within the public domain may be used without obtaining copyright permission. Determining if an item is in the public domain is often difficult and confusing. Please contact the librarian to help determine if the proposed item is within the public domain.

**Other Items Not Requiring Copyright Permission**

Instructors can place the following items on Course Reserve without needing to obtain permission from a rights holder:

• Student papers (instructors must submit written permission from the student authors including Doctoral Projects that may be under a publishing embargo. When using a Doctoral Project check with the librarian to determine the distribution status)
• U.S. Government publications
• Material for which the instructor or the College is the copyright holder (e.g. lecture notes, presentations)

EBooks and electronic journals in the library’s collection can be used without further permission provided that the instructor uses an electronic link to the material.