

## **Joseph F. McCloskey School of Nursing**

### **Copyright Compliance: Library and Classroom**

**Purpose:** It is the intent of the School of Nursing to adhere to the provisions of current copyright laws (Title 17, U.S. Code 90 Stat 2541 et. seq., Public Law 94-553) and Congressional guidelines. The purpose is to provide guidance to Administration, Faculty, Students, and Staff related to the use of text based copyright-protected works in the classroom and library. The policy covers classroom issues such as photocopying, course packets, and on-line course materials. It also covers library uses for print and electronic reserves, ILL, and document delivery.

**Definition:** Copyright is a constitutionally conceived property right designed to promote the creation and dissemination of original works of authorship. Specific exclusive rights are granted to the copyright owner with respect to the owner's work in the U.S. Copyright Act (Title 17, U.S. Code). An individual who is not a copyright holder for a work must ordinarily obtain copyright permission prior to reusing or reproducing the work. Some specific exceptions for certain academic uses are included in the copyright act. Permission is not required for reading or borrowing original literary works or photographs from a library collection.

#### **Guidelines:**

##### *Protected by Copyright Act*

Original works of "authorship" including literary, audio-visual, dramatic, musical, pictorial, graphic, etc. are protected. This includes books, magazines, journals, newsletters, maps, charts, photographs, graphic, and other printed materials. Unpublished and non-print materials including motion pictures and artistic works, electronic content, computer programs, and other software, video files, etc., are also protected. Copyright law does not protect ideas, data, or facts.

##### *Fair Use*

Copyright Act (Section 107) provides for "fair use." A reproduction of a copyright-protected work is considered fair if used for: comment, criticism, news, teaching, scholarship, and research. The School of Nursing interprets the following situations as "fair use":

- Quotations of a short passage in a scholarly or technical work for illustration or clarification.
- Reproduction of material for classroom use – unexpected/spontaneous – one time use in one semester.
- Summary of an article/address – May include quotations, short passages.

##### *Types of Use*

###### *Classroom Handouts*

- If handout is planned in advance and repeated from semester to semester – copyright permission is required.
- If source of handout is a new work – with no time to secure permission – it may be used once.

###### *Course Packs*

- Articles, chapters, and other works print/electronic require copyright permission.

###### *Reserve*

- Copies of publications owned by the School of Nursing library may be placed on reserve without obtaining copyright permission.
- Reproduction of additional copies requires copyright permission.

Photocopying – Library: The School of Nursing Library may photocopy copyright protected works without obtaining permission under the following circumstances:

- Library user requests for articles and short excerpts:
  - One reproduction of an article from a periodical or a small part of any other work.
  - Archival reproductions – up to three reproductions of any unpublished work may be made for preservation or security, or for deposit for research use.
  - Up to three reproductions of a published work may be made if a work is lost, stolen, damaged, deteriorating, or stored in an obsolete format.
  - One reproduction of an entire work (book or periodical) may be made under certain conditions outlines in library policies.

Photocopying for Students: The School of Nursing Library may make reproductions for library users:

- One reproduction of an article from a periodical or a small part of any other work used for private study, scholarship, and research.

Photocopying by Students: A single photocopy of a portion of a copyright protected work such as an article for research may be made without permission.

- Making multiple copies of articles or book chapters for distribution to classmates requires permission.

Interlibrary Loan (ILL): The School of Nursing may participate in ILL without obtaining permission provided that the aggregate quantities of articles or items received by the patron do not substitute for a periodical subscription or purchase of a work.

Course Management Systems and Distance Education: Copyright requirements for Technology, Education, and Copyright Harmonization (TEACH) Act and Course Management Systems (CMS) postings are similar to those of classroom handouts, but extend those rules to the digital transmission of materials. Content may not remain posted for an extended period of time.

#### *Digital Millennium Copyright Act (1998)*

The School of Nursing adheres to all additional provisions of the Act addressing copyright for digital media.

#### *File Sharing*

The School of Nursing does not permit the illegal sharing of copyrighted materials over the School's network and Course Management System, including through the use of email, web pages, and peer to peer file sharing software. This applies to:

- All School of Nursing owned computers.
- All personal computers if they are accessing computers within the LVH Health System network.
- Using the Health System network to download or share copyright music, movies, TV shows, or games without permission of the copyright owner which may result in legal sanctions, network use termination, or both.
- Identification of file sharing programs on the School of Nursing computers is in violation of copyright laws.

**Policy Violation:** Unauthorized distribution of copyrighted materials, including unauthorized peer to peer file sharing, may subject the student to disciplinary action including, but not limited to, termination of School of Nursing computer privileges as well as civil and criminal liabilities.