



Campus Copyright Support from a University Library

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An Idea is Born

- Fall 2009 Mid-America Assn of Law Libraries meeting in Columbia, MO
 - Kevin Smith, Duke University, Director of Scholarly Communications, pre-conference workshop
 - Participation by librarians from all 4 UM campuses plus faculty and IS staff
 - Decision that UMKC would test a copyright support model and share with other campuses
- Partnership with IS and faculty to create a model based on perceived needs



Identification of Copyright Support Issues

- Limited legal counsel support from the UM System.
- IS noting potential copyright abuse in Blackboard materials.
- Library noting a decrease in online reserve submissions.
- Expansion of online courses and lack of understanding about the TEACH act.
- Linking to online resources.
- Faculty posting materials on open Web sites.
- Questions about fair use of media materials.
- Inconsistent policies, procedures, and forms for copyright compliance across the university.
- No recognized campus expertise.
- Difficulty in reaching out to all faculty in 11 schools and on 2 campuses.



Creating the Support Model

- Identify interested and knowledgeable librarians to serve on a small support team.
- Engage staff from the Faculty Center for Excellence in Teaching and Information Services in a planning process.
- Plan a co-sponsored workshop for Fall 2010 with Kevin Smith retained for a full day of consultation.
- Create a comprehensive LibGuide as an online resource for faculty to refer to, particularly for course materials.
- Gather all UM System, UMKC, IS, Library and other policies, guidelines and forms pertaining to copyright and permissions for Kevin Smith's review.
- Creation of Copyright Advocates from academic units.
- Creation of a UMKC Copyright email distribution list for submission of copyright related questions.
- Institutional membership in Center for Intellectual Property as an ongoing resource.



Copyright Support Team

7 librarians from University Libraries and Law Library.

- Provide **educational and training opportunities** for faculty to better understand fair use and copyright compliance, particularly as it pertains to the use of copyrighted material for classroom instruction
- Provide **expertise on campus regarding fair use and copyright** to provide general guidance for faculty, including guidance on when to consult with the university's legal counsel. **No legal advise given.**
- Provide a communication structure for faculty to use to ask questions and receive **updates on issues or new developments**
- Provide **online resources** and other documentation for faculty and students to consult

Members share questions on email received individually before crafting a response. Turn around time is rapid.



Copyright Advocates

A *copyright advocate* is a faculty member who agrees to serve in an important support position within their school, college or department.

Copyright advocates serve as links between their faculty colleagues and the Copyright Support Team. They provide an invaluable role in serving as a first point of contact for faculty questions and issues, referring those on to the copyright support team.

Advocates are not expected to enforce copyright compliance, nor are they expected to be “experts” on copyright law. Advocates should never give legal advice.

Suggestions to FaCET and the University Libraries are welcome from advocates for workshops and programs on copyright topics. Advocates will help promote such events to their colleagues.



Educational Copyright Programs and Resources

The Copyright Support Team provides

- Annual workshops
 - 2010—Fair Use with Kevin Smith, Duke University, speaking
 - 2011—Fair Use of materials in Blackboard (Oct. 21)
- Individual presentations
 - Dental School workshop
 - IS staff presentations (2 to date)
 - Copyright Advocates annual meeting
- Webinars co-sponsored by FaCET and the Libraries open to faculty and/or library staff
- Copyright LibGuide: <http://libguides.library.umkc.edu/copyright>
- Institutional membership to the Center for Intellectual Property



LibGuides

<http://libguides.library.umkc.edu/copyright>



Problems with Regulations

- “Incorporation by reference” of Classroom Copyright Guidelines into Collected Rules and Regulations §100.010



Copyright
Source CRR Reg.

DMCA

- TEACH Act and DMCA issues for Streaming and Distance Education
- Recognition of Role of Licensing
- Flexibility – Checklists and “Best Practices” rather than rigid regulations



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UM CCR 100.010 and “Incorporation by Reference”



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100.010 Use of Copyrighted Materials in Teaching and Research

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Chapter 100: Patent and Copyright Law

Executive Guideline No. 23, 11-1-84, Revised 2-15-05

- A. **The Copyright Law and Fair Use** —Faculty and staff of the University of Missouri use copies of copyrighted materials to supplement or assist with their research and teaching. In many cases, the copies can facilitate the University's mission of teaching and research. However, the copying of copyrighted materials is a right granted under the copyright law's doctrine of "fair use" which must not be abused. Copyright is a constitutionally conceived property right which is designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work of authorship for a limited time. The Copyright statute implements this policy by balancing the author's interest against the public interest in the dissemination of information. The grand design of this delicate balance is to foster the creation and dissemination of intellectual works for the general public. The guidelines which follow are intended to assist faculty and staff in observing copyright requirements, while benefiting from Fair Use.



UM CRR 100.010 and “Incorporation by Reference”

While not a law, these “Guidelines for Classroom Copying” have been an accepted standard for higher education for several years. The University of Missouri will continue to use them as the standard at this time, and sets them out in their entirety as follows

1. **Single copies for teachers**—For teaching, including preparation, and for scholarly research, a faculty or staff member may make, or have made, a single copy of:
 - a. a chapter from a book;
 - b. an article from a journal, periodical or newspaper;
 - c. a short story, short essay or short poem, whether or not from a collective work;
 - d. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. **Multiple copies for classroom use** - Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:
 - a. The copying meets the tests of brevity and spontaneity as defined below; and,
 - b. Meets the cumulative effect test as defined below; and
 - c. Each copy includes a notice of copyright.



Classroom Guidelines



Classroom
Guidelines

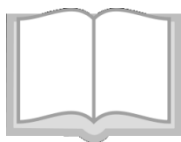
Brevity

(i) *Poetry*: (a) A complete **poem if less than 250 words** and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.



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(ii) *Prose*: (a) Either a complete article, story or essay of less than 2,500 words, or (b) **an excerpt from any prose work of not more than 1,000 words or 10%** of the work, whichever is less, but in any event a minimum of 500 words.



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(iii) *Illustration*: **one** chart, graph, diagram, drawing, cartoon or picture **per book or per periodical** issue.



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Classroom Guidelines

Spontaneity

- (i) The copying is at the **instance and inspiration** of the individual teacher, and
- (ii) **The inspiration and decision** to use the work and the moment of its use for maximum teaching effectiveness **are so close in time that it would be unreasonable to expect a timely reply to a request for permission.**

Cumulative Effect

- (i) The copying of the material is **for only one course in the school** in which the copies are made.
- (ii) **Not more than one** short poem, article, story, essay or two excerpts may be copied **from the same author**, nor **more than three from the same collective work or periodical** volume during one class term.
- (iii) There shall **not be more than nine instances of such multiple copying for one course during one class term.**



Eureka!

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Classroom Guidelines

- Many universities no longer use.
 - Duke
<http://library.duke.edu/about/depts/scholcomm/copyright-and-fair-use.pdf>
 - University of California ◆◆◆
<http://www.universityofcalifornia.edu/copyright/fair-use.html>
 - Georgia State <http://www.usg.edu/copyright>
- Plaintiffs seek to enforce in Georgia State Case.
- See also [ALA Copyright Articles, Daniel Lee, Fair Use and Guidelines, ALA.](#)



Duke Policy



UC Policy



Georgia State
Policy



UM CRR 100.010 – Other Issues

- No mention of other standards
 - Guidelines for Educational Uses of Music
 - CONTU Guidelines on Photocopying Under Interlibrary Loan Arrangements
 - CONFU Copyright And Educational Fair Use Guidelines For Video And Broadcast Content
- TEACH Act – Need for Guidance
 - Required Policy Documents for Transmission
 - “Unauthorized Down Stream Transmission”
 - Conversion from Analog to Electronic
 - Amount of Material Transmitted
 - Non-dramatic v. Other Works



Classroom
Guidelines



CONTU
Guidelines



CONFU



TEACH Act
Provisions



UM CRR 100.010 – Other Issues

- DMCA
 - Anti-Circumvention Provisions 17 USC § 1201(a)
 - Take-down Notices 17 USC § 512 (c)
- Recognition of Role of Licensing
- Flexibility
 - Respond to Changes in the Law
 - Checklists, “Best Practices”, and Policies rather than Regulate



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Checklists and Best Practices



<http://librarycopyright.net/fairuse/>



**Columbia
Fair Use Checklist**



**Duke Fair
Use Checklist**



[Click for Checklist](#)

University of Missouri Kansas City

Libraries » LibGuides » Copyright

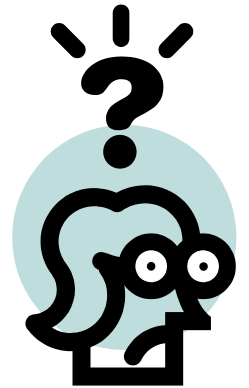
Best Practices

- **Best Practice Guidelines for Digital Collections**
Office of Digital Collections and Research
University of Maryland
- **Code of Best Practice for Online Video**
- **Code of Best Practices in Fair Use for Academic and Research Libraries**
Association of Research Libraries in conjunction with the Center for Social Media at American University. The project is being conducted between 2010-2013. To be released in early 2012.
- **Code of Best Practices in Fair Use for Media Literacy Education**
Center for Social Media
- **Code of Best Practices in Fair Use for Poetry**
Center for Social Media
- **Documentary Filmmakers Statement of Best Practices in Fair Use**
Center for Social Media
- **Society for Media Studies in Teaching for Film and Media Educators**
Center for Social Media
- **Statement of Best Practices in Fair Use of Dance Related Materials**
Dance Heritage Coalition



Handling knotty questions

- Questions come to Support Team members
 - Is the answer obvious?
 - Are alternatives available?
 - Does the Copyright Guide have clear guidance?
- Unsure?
 - Forward to colleagues on Support Team
 - Arrive at consensus and respond to faculty.





Kinds of questions

- What can I put on Blackboard /Moodle?
- How much can I put on Blackboard /Moodle?
- Can I have this _____ digitized and placed on Blackboard/Moodle?
- Can I scan this out-of-print textbook and e-mail it to my students?
- Can I show this video to my XYZ Club?





Options

- Have your options handy!
- Refer questions up to legal counsel if needed.
- Make it easy for faculty to link to electronic subscription resources.
 - Provide a primer on creating those links with your proxy server information.
 - Offer to provide the link for them.
- Partner with faculty on Blackboard.



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