Library Guidelines for the Faculty Use of Reserves

The Library’s Reserve Program allows faculty to identify materials for which the Library should provide controlled access during the semester. Reserves are limited to curriculum required print and non-print materials that are in the collection or eligible for addition to the collection. The Library provides several means of reserving access to materials for courses:

- Place items held in the circulating collection on reserve at the Circulation Desk
- Place a faculty members personal item on reserve at the Circulation Desk
- Place a copy, provided by the faculty member, on reserve at the Circulation Desk
- Create a reserve record linking to content hosted in a database licensed by the library

There are several pre-defined options for the circulation period of items placed on reserve, and faculty can choose from these the most appropriate loan period for their curricular needs. Since reserve items are often in demand by multiple students in a course, students are limited to on the number of reserve item that can be simultaneously charged.

The Library does not have a means of hosting electronic versions of material; faculty who choose to exercise 'fair use' and provide electronic materials to their students can do so using the Colleges’ course management system, Blackboard.

Materials can only be placed on reserve for the semester in which a course is taught. Reserves are limited to no more than 75 items per course; faculty wishing to place more than 75 items on reserve must make prior arrangements with the Director of the Library.

The Library will normally try to honor requests for new purchases for the purpose of use on reserve. However, we would normally not consider the purchase of duplicate items for the circulating collection unless the class size exceeds 30 or there are other extenuating circumstances. Textbooks are not normally considered for addition to the collection. We cannot place materials acquired via ILL on reserve.

Reserves requests are processed in the order received. Additions and removals can be made to course reserve lists throughout the term. For books already in the library collection, a week's advance notice is requested; personal copies or photocopied articles may take several days to process when material arrives at the beginning of the term.

For items that the Library handles, the Library will strive to meet our obligations under Copyright Law (Title 17 of the US Code) – particularly with regard to factors articulated in Section 107 (Fair Use), and the guidelines agreed upon by the representatives of the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revision, and of the Authors League of America, Inc., and the Association of American Publishers, Inc. as stated in the Copyright Office’s Circular #21 Reproductions of Copyrighted Works by Educators and Librarians. Interpretation of these documents for the purpose of placing items on reserve in the Library is at the discretion of the Director of the Library. In the instance that the Library is asked to acquire a copy of something to be placed on reserve, we will apply the copyright standards and if warranted seek copyright permission and/or pay for the rights via the Copyright Clearance Center.

The Library does not purchase performance rights for materials added to the collections; nor can the library aid in securing performance rights. The Colleges’ Student Activities Office is able to aid faculty who wish to host a public performance of Library materials.

August 2010
**U.S. Code Title 17 § 107. Limitations on exclusive rights: Fair use**

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 by 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 a fair use the factors to be considered shall include —

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 substantiality 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.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.
Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions

With respect to books and periodicals

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under 107 of H.R. 2223 [this section]. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill [this section]. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

Guidelines

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

A. A chapter from a book;
B. An article from a 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;

II. 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.

Definitions

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.
(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.
[Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]
(iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
(iv) “Special” works: Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “ii” above notwithstanding such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

August 2010
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.
[The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

III. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

(A) Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
(B) There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
(C) Copying shall not:
   (a) substitute for the purchase of books, publishers’ reprints or periodicals;
   (b) be directed by higher authority;
   (c) be repeated with respect to the same item by the same teacher from term to term.
(D) No charge shall be made to the student beyond the actual cost of the photocopying.