

Copyright Guidelines and Procedures for Printed Self-Published Course Materials

Printed, self-published course materials (including course-packs, readers, and faculty-authored textbooks) are often used to provide timely and affordable information resources that facilitate student learning. In developing such printed materials, all University employees must abide by the legal requirements found in the Copyright Law of the United States (Title 17, United States Code).

What is copyright? Copyright gives the authors of original works (including written, dramatic, musical, artistic, and other intellectual works) certain exclusive rights. Among these is their exclusive right to reproduce the work in whole or in part, and to distribute copies of the work by sale, gift, rental, loan, or other transfer. If you are creating a course pack, reader, or textbook, and incorporate material (including portions of text, figures, pictures, drawings, etc.) from other sources, you must be sure that you have the **permission** of the original copyright owner to do so.

What about fair use? The doctrine of “Fair Use” provides conditions under which copyrighted materials of others can be used without obtaining permission (see www.copyright.gov/fls/fl102.html). While some cases of educational use fall under the Fair Use doctrine, court rulings have established that reproducing copyrighted materials for an academic course pack generally does *not* constitute fair use.

What’s at stake? Copyright holders are entitled to monetary damages from a person or institution that violates copyright by unauthorized reproduction or distribution of their work. *You* may be sued for the cost of actual damages, statutory penalties, and attorney fees. In addition, you may be subject to criminal fines and imprisonment.

What are your responsibilities? Faculty members are responsible for obtaining copyright clearance to ensure that permission is obtained to use *any* non-original content in self-published course materials. This includes, but is not limited to, course packs and readers reproduced directly by the faculty member or by any other publisher, including bookstores or photocopying companies. In addition, since the unauthorized use of other’s works in course materials potentially puts the University at risk, faculty members are responsible for providing written verification that their self-published course materials adhere to U.S. Copyright law.

How do you meet your responsibilities? You must obtain copyright clearance when incorporating other’s works, and provide verification that you have done so. There are two (2) ways for you to get copyright clearance to use other’s works:

- 1) Use a publisher or photocopying service that provides copyright clearance: Reputable publishers will provide copyright clearance as part of their reproduction service, and will build any required fees or royalties into the retail price of the material. The University Bookstore, which provides exclusive custom publishing services for the campus, provides copyright clearance for all course packs and materials they produce.
- 2) Do it yourself – You may use resources such as the Copyright Clearance Center (www.copyright.com) or directly contact copyright holders (usually publishers, rather than authors) to obtain permission to use works. This can be a lengthy process. Note that such permission is for a specified period of time (usually one academic term, for course packs). You may be asked to sign a licensing agreement and/or pay royalties for such use. Do not sign any such licensing agreements yourself. Instead, forward them to Academic Affairs (ADM 710) or to the University Legal Counsel if you have concerns about the contents of the licensing agreement. You may charge students the cost of reproducing instructional materials, but you must use a third party such as the University Bookstore that will create a business record of the transaction. **You may not collect money directly from students.**

In all cases, you must provide verification that your self-published course materials adhere to U.S. Copyright law by including the statement: **“Use of all materials adheres to U.S. Copyright Law”**.

You must *also* identify the copyright holders of all materials. Clearance agreements should require each copyright holder to provide you with the format for this notice. Examples of such notices are below:

Figure 13 on page 142 is excerpted from Sociology Today © McMillan Publishing (2011).

The University takes compliance with copyright law very seriously, as should you. The University reserves the right to conduct random monitoring to ensure compliance with copyright notice requirements.

Who do I contact for more information? Contact the Office of the Assistant Vice President for Academic Affairs - Academic Personnel, ADM 707, 323-343-3810.