2-9-2016

Copyright Resources for Faculty

Mary Mallery
Siobhan McCarthy

Follow this and additional works at: https://digitalcommons.montclair.edu/spraguelib-facpubs

Part of the Scholarly Communication Commons
Copyright Resources for Faculty

Mary Mallery, Ph.D, Associate Dean for Technical Services, and Siobhan McCarthy, Reference & Interlibrary Loan Librarian
Before we begin...

- We are content providers and users, not lawyers.
- This session is informational only. It is not legal advice.
- Only a lawyer can give legal advice.
Presentation Overview

- Introductions
- Responsible use of computing
- MSU Resources for Copyright Information
- Copyright Resources Guide
  - Fair Use Four Factors
  - Video/Media in the Classroom
- Reserves and EReserves
- Online Programs & Direct Linking
- Interlibrary Loan and Copyright
- Open Access
- Questions & Answers
Guidelines for Responsible Computing

IV. GUIDELINES FOR APPROPRIATE COMPUTING BEHAVIOR

...Concerning material on the World Wide Web, you must first obtain permission of the owner or copyright holder of any image, background pattern, section of text or musical, film or video selection you may want to use on your Web site. You are free to create links to other Web pages, but you may not copy the work of others to publish yourself on the World Wide Web (or elsewhere) or redistribute the work of others via servers, email or other means without authorization and proper attribution. The University's requirements and standards for acknowledgment of sources in academic work, as stated in the Student's Rights and Responsibilities and the Faculty Handbook, apply to all electronic media.

Source: https://www.montclair.edu/provost/faculty-handbook/regulations/responsible-computing/
MSU Copyright and Duplication Policy

Copyright and Duplication Policy

Faculty members should adhere to the following agreement which appears in the House of Representatives report on Copyright Law Revision - Report #94-1476.

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

Copyright Resources

There are a few questions you can ask to help clarify how to proceed.

First, determine if you are dealing with a copyrighted work.

Is the work in the public domain? Generally works created prior to 1923 are in the public domain. See the public domain tab to learn how to identify works in the public domain.

If the work is copyrighted, then you need to pursue these paths.

Is the work licensed by the University in which case the copyright is covered for you?

- Check the Sprague Library collection of databases and electronic resources.
- Check to see if the copyrighted resources you wish to use are licensed by MSU.
- If licensed and your use is permitted by that license, proceed as the license permits.

If the work is not in the public domain or licensed for use, is there a legal exemption to copyright law that would allow you to use the work? Examples:

Link: http://montclair.libguides.com/copyright
Sprague Library E - Reserves Copyright Policy

Electronic Reserves

What are Electronic Resources?

Electronic Reserves (E-Reserves) are online resources located in the Montclair State University Canvas course management system at https://montclair.instructure.com/. Electronic reserve provides web access to course-related readings and other materials selected by instructor.

These may include, but are not limited to any of the following:

- Journal articles
- Book chapters
- Course syllabi
- Lecture notes and presentations
- Practice exams and exercises
- Electronic files -- PowerPoint slides, spreadsheets, audio/video clips, animations, etc.

These materials are scanned and then converted to a Portable Document File (PDF) format, which requires that you have the Adobe Acrobat Reader installed as a plug-in for your web browser. Some of the files, especially those with graphical elements, can be large. With a faster Internet connection, you'll retrieve your documents sooner.

Copyright

Link: https://www.montclair.edu/library/reserves/electronic-reserves/
Online Programs

Link: https://www.montclair.edu/online/
Online Programs

- TEACH Act covers live classroom activities
- Avoid redistribution concerns by direct linking using permalinks vs. uploading files to directly to Canvas
Posting to Canvas using Permalinks

The climate of Distance Education in the 21st Century: Understanding and Surviving the changes Brought by the TEACH (Technology, Education, and Copyright Harmonization) Act of 2002.

Authors: Lipinski, Tomas A.

Document Type: Article

Subject Terms: *DISTANCE education -- Law & legislation
COPYRIGHT & distance education
COPYRIGHT
*EDUCATIONAL law & legislation
*EDUCATIONAL technology

Geographic Terms: UNITED States

Abstract: On Saturday, November 2, 2002, President Bush signed into law, in the form of TEACH (the Technology, Education, and Copyright Harmonization Act of 2001, S. 467), legislation representing a significant reform of the copyright landscape as it applies to distance education, and the use of protected material, analog, but especially digital. Under previous law, subsection (2)(A), the performance of a nondramatic literary or musical work, or the display of any work must also meet several requirements. A significant change in the law is the elimination of the 'fair use' defense for distance educators using content which would otherwise be considered non-derogatory and do not have a financial benefit.

Interlibrary Loan and Copyright

Interlibrary Services Policy

When to Use

Interlibrary Services borrows books and obtains copies of articles from other institutions for MSU Library patrons when the Library does not own the book or article requested.

Eligible Patrons

MSU Faculty (Full-Time, Part-Time, Adjunct, Retired)
MSU Staff
MSU Students (Graduate and Undergraduate)

Ineligible Patrons

Retired MSU Staff
MSU Alumni
Students not currently enrolled at MSU
Faculty and students from other colleges
Area residents and the general public

Fees

Link: https://www.montclair.edu/library/interlibrary-services/interlibrary-services-policy/
Interlibrary Loan and Copyright

- CONTU Guidelines
  - “Rule of Five”
- Must be for personal use only
- Cannot be used for course reserves or redistributed
- Some articles may have Open Access versions available
Interlibrary Loan and Copyright

Using Content: ILL

The CONTU Guidelines

- CONTU Guidelines for copying from periodicals apply only to materials less than five years old (referred to as part of the “rule of five”).
- Up to five articles may be copied from a single periodical in one calendar year under the ILL provision (referred to as part of the “rule of five”).
- A library with a subscription for a periodical which is not immediately available may consider a copy obtained from another library as if made from its own collection.
- All ILL requests must be accompanied by a copyright compliance statement from the requesting library. The requesting library must maintain records of all requests and of their fulfillment. These records must be kept for at least three calendar years after the request has been made.
- No more than six copies of articles/chapters/small portions may be made from a non-periodical (including a book) during the entire term of copyright of the work.
- For copying beyond the CONTU Guidelines, the library may need to obtain copyright permission directly from the copyright holder or from a representative such as Copyright Clearance Center.

Click here (pdf) for the final CONTU

Link: https://www.copyright.com/Services/copyrightoncampus/content/ill_contu.html

Copyright Resources for Faculty
Harry A. Sprague Library, February 9, 2016
Open Access

Open Access journals can provide higher visibility for your work while allowing you to retain control over your copyrights. Many studies have shown that Open Access articles receive more downloads, and higher citation counts because they are globally accessible, rather than restricted to those who can afford subscriptions. For more information, check out this bibliography from The Open Citation Project:

- The effect of open access and downloads ('hits') on citation impact: a bibliography of studies

Resources on Open Access:

- SHERPA/RoMEO
  SHERPA/RoMEO is a directory of copyright and self-archiving policies for most major commercial journal publishers. Simply type in the name of your journal to determine your rights. Note: Small and niche publishers are not always included in the SHERPA/RoMEO database. In some cases it may be necessary to contact your publisher directly.

- ROARMAP
  To get a sense of open access policies that have been adopted or mandated at research and academic institutions see the Registry of Open Access Repository Mandates and Policies (ROARMAP) which includes links to institutional OA policies from the US, Europe Canada and Mexico.

Open Access Journals

- arXiv e-Print archive
  Archive of over 1 million articles in physics, mathematics, computer science, quantitative biology, quantitative finance and statistics. From Cornell University.

- BioMed Central
  BMC provides access to over 200 peer-reviewed open access journals in biology, biomedicine and medicine.

Link: [http://montclair.libguides.com/openaccess](http://montclair.libguides.com/openaccess)
Open Access

- Types of Open Access
  - Gold vs. Green (Elsevier example)
  - Can be licensed under Creative Commons
  - Allows for copying and distribution

- Preprints vs. Postprints

- National Science Foundation mandate for Open Access

- Open Access and Scholarly Communications Guide (Memorial University)
  http://guides.library.mun.ca/aboutrr
Open Access and Government Documents

- Federal Government documents are open access
- Open Access policies for State documents vary

Source: [http://copyright.lib.harvard.edu/states/](http://copyright.lib.harvard.edu/states/)
Open Access and Government Documents

Source: http://montclair.libguides.com/fedgovinfo
Additional Resources

- Copyright Resources (Sprague Library LibGuide)
  http://montclair.libguides.com/copyright

- Open Access Resources (Sprague Library LibGuide)
  http://montclair.libguides.com/openaccess

- Streaming Video Resources (Sprague Library LibGuide)
  http://montclair.libguides.com/openaccess

- Freedom to Tinker (Center for Information Technology Policy)
  https://freedom-to-tinker.com/blog/tag/copyright/

- The Code of Best Practices in Fair Use for Media Literacy Education (American University)

- Copyright on Campus (Copyright Clearance Center)
  https://www.copyright.com/Services/copyrightoncampus/intro/index.html

- Copyright and Primary Sources (Library of Congress)
  http://www.loc.gov/teachers/usingprimarysources/copyright.html
Questions?

For more information, please contact us at:

**Mary Mallery, Ph.D.**
Associate Dean for Technical Services
Harry A. Sprague Library
Email: mallerym@mail.montclair.edu
Phone: (973) 655-7150

**Siobhan McCarthy, MLIS**
Reference & Interlibrary Loan Librarian
Harry A. Sprague Library
E-mail: mccarthys@mail.montclair.edu
Phone: (973) 655-7146