Copyright and Open Access Resources for Faculty

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Copyright and Open Access Resources for Faculty
Summer Institute for Online/Hybrid Teaching & Learning
June 13, 2016

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Siobhan McCarthy, MLIS, 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
- Digital Images
- Reserves, Reserves, and Interlibrary Loan
- 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 Guide


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
## Determining Fair Use

<table>
<thead>
<tr>
<th></th>
<th>Fair use = YES</th>
<th>Fair use = NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Nonprofit or transformative</td>
<td>Commercial or duplication</td>
</tr>
<tr>
<td>Nature</td>
<td>Factual</td>
<td>Creative</td>
</tr>
<tr>
<td>Amount</td>
<td>Small amount (relative to original)</td>
<td>Complete work or heart of the work</td>
</tr>
<tr>
<td>Market</td>
<td>Doesn’t hurt market for original</td>
<td>Hurts market or there is a potential market</td>
</tr>
</tbody>
</table>

**Source:** [http://dp.la/info/about/projects/public-library-partnerships/understanding-copyright/](http://dp.la/info/about/projects/public-library-partnerships/understanding-copyright/)
The TEACH (Technology, Education, and Copyright Harmonization) Act of 2002 is meant to cover Fair Use in an online teaching environment because Fair Use and the DMCA do not.

Even if your class has on ground, face to face sessions, anything you transmit through course delivery systems, such as Canvas, would fall under the TEACH Act, unless you choose to use Fair Use as an alternative.

Avoid redistribution concerns by direct linking using permalinks vs. uploading files directly to Canvas.

See: http://montclair.libguides.com/c.php?g=297182&p=1982156
Scenario: Interlibrary Loan and E-Reserves

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
Sprague Library E - Reserves Copyright Policy

Electronic Reserves

What are Electronic Reserves?

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/]

Posting to Canvas using Permalinks


Scenario: Digital Image Use in Research

Link: \text{http://www.imdb.com/title/tt0262151/?ref_=fn_al_tt_1}
Tools for Determining Image Rights

Digital Image Rights Computator (DIRC)
http://dirc.vraweb.org/page_1.html

Copyright Genie
http://librarycopyright.net/resources/genie/

Stanford Fair Use Overview
http://fairuse.stanford.edu/overview/
Open Access Resources

Link: 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](http://guides.library.mun.ca/aboutrr)
Creative Commons

Link: http://www.creativecommons.org/
Scenario: Open Access Journals

Link: http://eld.montclair.edu/
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/
Open Education Resources (OERs)

- Make use of free resources, including material that is Open Access, licensed under Creative Commons, or open government documents.
- Include textbooks and other course materials
  - [http://www.oercommons.org/](http://www.oercommons.org/)
  - [http://www.merlot.org/merlot/index.htm](http://www.merlot.org/merlot/index.htm)
  - [http://open.umn.edu/opentextbooks/](http://open.umn.edu/opentextbooks/)
Questions?

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