

1. GENERAL

Sam Houston State University respects the rights of authorship granted to individuals and/or organizations through the various copyright laws. To that end the University has adopted policies regarding ownership of intellectual property as outlined in Appendix IV of the *Faculty Handbook*. The following policy has been adopted to ensure that faculty, staff, and students can work in an environment consistent with all applicable copyright laws.

2. USE OF COPYRIGHTED WORKS BY FACULTY, STAFF, AND STUDENTS

The University is committed to complying with all applicable copyright laws and supports the good faith efforts of faculty, staff, and students to abide by fair use section of copyright law, 17 U.S.C. § 107. Faculty and staff may need to photocopy or digitize material to supplement research and teaching in support of the University's mission in the development and transmission of information. This policy outlines the University's position concerning the use of copyrighted materials by faculty, staff, and students. Please note that specific information relating to course reserves and file sharing can be located on the Library's webpage; this policy does not address other library photocopying or digitization which may be permitted under other sections of the copyright law, e.g., 17 U.S.C. §108. Except as allowed by law, faculty, staff, and students may not reproduce and distribute copyrighted material, use copyrighted material to prepare a derivative work, or publicly perform copyrighted material without permission of the copyright holder.

3. FAIR USE

Fair use is defined by 17 U.S.C. § 107: 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.

- a. Elements of Fair Use. Faculty, staff, and students are responsible for making a good faith effort to determine 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 copyrighted work.
 - (3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
 - (4) The effect of the use upon the potential market for or value of the copyrighted work.
- b. Guidelines for Determining Fair Use. Guidelines to assist faculty, staff and students in evaluating fair use of copyrighted material can be found on the Library's homepage. Guidelines and policy for library course reserves, including electronic reserves, can be found on the Library's webpage http://www.shsu.edu/~lib_www/.

4. INFRINGEMENT

Infringement of copyright is determined by the University Copyright Officer and/or University legal counsel when necessary.

APPROVED: /signed/
James F. Gaertner, President

DATED: 10/28/05

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents Sam Houston State University's Division of Academic Affairs' APS from the date of this document until superseded.

Original Date: December 8, 1989
Reviewer(s): Academic Policy Council

Review Cycle: December, ONY*
Review Date: December 1, 2007

Approved: _____/signed/_____
David E. Payne
Provost and Vice President
for Academic Affairs

Date: _____10/26/05_____

*=Odd Numbered Year