

# COURSE RESERVES POLICY

The UIW Library's course reserves service provides faculty with the ability to manage use of research and assignment-related information resources by library staff. At the time of a request, faculty can dictate which items circulate to students for either two (2) hours in-house use, two (2) days or one (1) week. The library adheres to strict guidelines with regard to copyright and understands the impact of "Fair Use" on the course reserves service.

Title 17, section 106 of the United States Code grants to copyright owners, the exclusive right to reproduce, display, and distribute their work. Section 107 (the fair use doctrine) provides that under certain circumstances, material protected by copyright may be used without permission from the copyright owner. The University of the Incarnate Word Library has developed this reserves policy based on the "Code of Best Practices in Fair Use" by the Association of Research Libraries and the standards of the Copyright Clearance Center, Inc.

#### Fair Use doctrine:

Section 107 of the Copyright Act supports four factors used to determine whether use of a copyrighted work is "fair use":

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: strictly educational or for entertainment, fiction or non-fiction, audio/video or print or electronic, etc.
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.

#### Materials that may be placed on reserve:

- Books and audio/visual materials that are in the library's circulating collection.
- Faculty personal items:
  - Books that are legally purchased in their original condition (no photocopies or illegal reprints), one (1) semester only; additional semesters will require permission from the copyright holder.
  - Legally purchased textbooks (excluding consumables such as workbooks, sample tests answer sheets, etc.), one (1) semester only. Written permission from the copyright holder with duration of use is required if the textbook is needed to be on reserve for additional semesters.
    - i. "Desk Copy", "Review Copy" textbooks (excluding consumables such as workbooks, sample tests, answer sheets, etc.) must be accompanied by a letter of permission from the copyright holder stating the duration for which the textbook may be on reserve.

- Photocopy of a book, one (1) chapter or ten percent (10%) of the book whichever is less, one (1) semester only. Additional semesters will require permission from the copyright holder. The permission should state the duration the library is allowed to keep the item on reserve.
- Personal copy of an audio CD, CD-ROM, DVD, DVD-ROM in its original format (no homemade copies or changed formats) for one (1) semester only. Additional semesters will require permission from the copyright holder.
- Homemade recordings from broadcast radio/TV, programs must have been aired less than 45 days before use. Programs must have been recorded from a free antenna station (no subscription based online, cable or satellite stations.) The station must be the copyright holder of the program (no recordings of movies aired on TV, etc.)
- Photocopy of a journal article the library does not hold in its collection (including a copy received through interlibrary loan), one (1) semester only. Not more than one (1) article from a journal or one article by the same author may be placed on reserve for the same class during the same semester. Additional semesters will require permission from the copyright holder.
- Faculty/Student works (including audio/video) and class notes may be put on reserve with written permission from the faculty/student.

Materials that may not be placed on reserve:

- Library's non-circulating collections (Reference, Special Collections books, journals, etc.)
- Books that belong to other libraries (obtained through interlibrary loan).
- Homemade recordings (duplications) from original audiovisual materials.
- Homemade recordings of broadcast radio/TV programs that were aired more than 45 days before use.
- Any material that will not be used during the current semester.

Additional considerations:

If personal items have been on reserve before, written permission from the copyright holders is required. In order to obtain permission from the copyright holders, please contact the publishers directly.

Please note that librarians may be able to purchase non-textbook materials for the library's collection. These items can be placed on reserve for your class in perpetuity. Please ask Circulation staff for a book recommendation form. Factors concerning item purchase include available collection funds and the availability of the item (out of print).

It is recommended that a Copyright Notice accompany each item faculty place on reserve (excluding library holdings):

*Pursuant to the federal Copyright Act (Title 17 of the United States Code), it is preemptively unlawful to reproduce, distribute, or publicly display any copyrighted work (or any substantial portion thereof) without the permission of the copyright owner. The statute, however, recognizes a fair use defense that has the effect of excusing an act of copyright infringement. It is the intention of the Library to act within the parameters of the fair use defense in allowing limited holdings of copyrighted materials in Course Reserve. It is the intention of the Library, moreover, that such materials be made available solely for the purposes of private study, scholarship, and research, and that any further reproduction of such materials by students, through copying, be limited to such purposes. Any further reproduction of copyrighted materials may be in violation of copyright laws and is prohibited.*