

E-RESERVES AND COPYRIGHT: FACULTY GUIDELINES

*Electronic Reserves (E-Reserves) expands the scope of the traditional reserve service by providing digital access to course reserves, and is intended to support the instructional requirements of specific courses. These guidelines relate only to **copyright** issues. For general information about E-Reserves, see <http://www.xavier.edu/library/reserves/ereserves.cfm>.*

Xavier is committed to complying with all applicable intellectual property laws and copyright laws. The Library complies with Fair Use provisions of the U.S. Copyright Act (Title 17, Section 107 U.S. Code), as interpreted in best practices and case law. The following policies do not apply to materials that claim no copyright protection, or to works that have passed into the public domain.

Materials can be submitted in many different formats:

- Electronic documents – a number of file formats are supported by the E-Reserves server including: MS Word, PowerPoint, Excel and PDF.
- Hard copy (paper) – journal articles, books, book chapters, syllabi, course notes, solution sets, etc. will be scanned and placed on the E-Reserves server as PDF or MS Word files.
- Web links and electronic journal articles – links to web pages and e-journals on the Internet can be added. If materials are openly posted on the web, or if the materials are included as part of an e-journal or database that is licensed to Xavier's Library, it is best just to link directly to this material, rather than posting a digital copy. E-Reserves staff will always [post links to licensed e-journal articles](#) when available, in lieu of scanning and posting hard copy documents.
- Digital audio –MP3 and WMA files can be placed on E-Reserves.

Fair Use guidelines:

- All materials placed on E-Reserves will be solely for nonprofit, educational use.
- Materials posted in E-Reserves must be in the legal possession of the Library, faculty member, or the institution; or legally obtained. The Library may be able to purchase copies of materials needed for E-Reserves when necessary.
- The reproduction should represent a small portion of the whole copyrighted work. E-Reserves staff can offer guidance about the appropriate proportion to use.
- Complete works (such as a whole book, whole album of music, or whole journal issue) cannot be placed on E-Reserves, even if the books are out-of-print.
- In the case of materials Xavier does not have an explicit license to use, the repeated use of a copyrighted work from semester to semester may be outside the scope of Fair Use and may require permission from the copyright holder.
- Notice is posted to indicate that the copying of materials may be subject to copyright law.
- Access to the content must be limited to the teacher(s) and students registered in the class (and personnel administering the system) and must be password-protected.
- There will be no charge for access to E-Reserves.
- Access will be deactivated when students have completed the course.

The E-Reserves staff will consider the statutory Fair Use factors in determining whether or not the inclusion of materials in the E-Reserves is Fair Use. E-Reserves staff reserve the right to refuse to place

any materials on E-Reserves that appear to violate copyright guidelines. Permission from the copyright holder will be required for materials that exceed what is determined to be Fair Use.

Seeking copyright permission: ***Faculty members are responsible for acquiring all necessary copyright permissions. The Library will not be responsible for seeking, managing, or paying fees for copyright permissions, but some assistance in obtaining copyright permission may be available.***

When permission is needed (for example, where a large portion of a book is used, or multiple journal references from the same publication are used, or when a particular article must be repeatedly used from semester to semester), the Copyright Clearance Center (<http://www.copyright.org>) and other collective rights organizations can often assist in obtaining and collecting fees for the necessary authorization.

If permission cannot be obtained after reasonable efforts, or a rights holder cannot be found (so-called “orphan works”), a persuasive Fair Use analysis becomes more likely.

The use of copyrighted works in E-Reserves is an area of the law which may be addressed by case law in the future, or revisions of the copyright law. The Library will continue to monitor legal developments concerning Fair Use in these areas.

These guidelines are not to be construed as legal advice nor should they be considered a legal document.

Questions regarding these copyright guidelines may be directed to:

- Amy Filiatreau Ensor, Director for Library & Information Management: filiatreaua@xavier.edu or copyright@xavier.edu
- Anne Davies, Resource Sharing Librarian: davies@xavier.edu
- Sidnie Reed, Resource Sharing Assistant: reed@xavier.edu