Austin Seminary
Copyright / Fair Use Policy for Teaching and Learning

This policy addresses copyright and fair use of information by Austin Seminary professors and students in the context of teaching and learning. The seminary's policy on intellectual property is contained in the employee manual.

I. General

a. Austin Seminary is committed to the legal and ethical use of information inside and outside of the classroom in accordance with the fair use provisions of the U.S. Copyright Act (Title 17 of the United States Code) for both electronic and print-based resources. All faculty, staff and students are expected to comply with this policy. Failure to do so may result in discipline.
b. All Austin Seminary faculty members will receive training on copyright and fair use in the classroom and will be expected to adhere to this policy and U.S. copyright law when using materials for teaching purposes. The seminary will document training and keep records in the Business Office.
c. Questions about copyright and fair use should be directed to the Director of the Stitt Library. Unusual cases may be discussed with the Academic Dean who may refer questions to the seminary's legal counsel. Any material, whether print or electronic, under scrutiny by the dean or legal counsel will not be placed on reserve until an official determination has been made by the Academic Dean.
d. As part of its commitment to academic freedom and good teaching, Austin Seminary encourages instructors to use copyrighted materials in teaching to the full extent possible under law.

II. Student / Faculty Portal and the Certificate in Ministry

Faculty and students are encouraged to use the student/faculty portal for teaching and learning, both to enhance in-person courses in the regular degree program and as part of the online Certificate in Ministry (CIM) program.

a. In all cases, reproduced materials should be clearly attributed and include a notice that they are subject to copyright protection.[1]
b. When a resource is available on-line in public domain at no cost, or through one of the subscription databases at Stitt Library, no further permission is required to include a link to the resource on the portal. Those who have questions about the electronic availability of a resource should contact the Public Services Librarian.

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[1] NOTICE: WARNING CONCERNING COPYRIGHT RESTRICTIONS
The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. (from http://www.copyright.gov/circs/circ21.pdf)

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c. If the resource is in the public domain (published before 1923) or under a Creative Commons license (http://creativecommons.org/), no permission is required to place a copy of the material on the portal or to link to the resource, subject to the terms of the license.
d. If the resource is covered by the Seminary's Annual Academic Copyright License from the Copyright Clearance Center (www.copyright.com) no permission is required to place a legally acquired copy of the material on the portal, subject to the terms and limitations of the license. Contact the Associate Library Director with questions about determining coverage for specific resources.
e. If unable to link to the resource, and if the resource is not covered by the Annual Academic Copyright License, in the public domain, or under a Creative Commons license, an instructor may still be able to use a copy without permission if it falls under Fair Use (see Section III below).
f. Copies made under the protection of Fair Use should:
    i. Be made available for the minimum amount of time they are needed for the class. Using copyrighted material from semester to semester by the same professor for the same class does not fall under the parameters of fair use. Student access to electronic files will be removed from the portal at the end of each semester. It is the responsibility of the individual who adds the files to electronic reserves to remove them or to arrange for their removal.
    ii. Be posted on the password-protected portal, and not on the open web. Materials on electronic reserve will be accessible only to students enrolled in a course and their respective instructors.
    iii. Include proper attribution and a notice of copyright (see note 1).
    iv. Be made available free of charge.
g. Legally acquired material may also be shared online without permission from the copyright holder if it falls under the requirements of the TEACH Act (Section 110(2) of the U.S. Copyright Act (http://www.copyright.gov/title17/92chap1.html#110):
    i. Must be part of the "mediated instructional activities" of a class and not supplementary material that students should view outside of regular class instruction.
    ii. Must notify students that the class material may be subject to copyright protection.
    iii. Must limit access to the students in the class and prevent the ability to access the material beyond when it is needed for the class.
    iv. The TEACH Act does not cover commercially available educational materials like textbooks or workbooks.
    v. More information on the TEACH Act is available on the faculty Copyright IQ page.
h. If use of the resource does not fall under Fair Use or the TEACH Act, copyright permission may be available for purchase from the copyright owner directly or through the Copyright Clearance Center (http://www.copyright.com/).

i. It is the responsibility of each faculty member to make judgments about what material may be placed on electronic reserve. The academic dean reserves the authority to review all materials placed on electronic reserve to insure compliance with this policy and to remove those found not in compliance.

III. Fair Use

a. The determination of fair use is a risk-management decision based on four factors:
   i. Purpose of the Use (Commercial or non-profit? Educational?)
   ii. Nature of the Copyrighted Material (Factual or creative?)
   iii. Amount Copied (such as a small part of a work to illustrate a lesson.) It is the Policy of Austin Seminary that no more than one chapter per book or one article per journal issue is permitted to be copied.)
   iv. Effect on the Market for the Original
b. Further detail on determining fair use, including a checklist and FAQ can be found on the faculty Copyright IQ page created by Stitt Library.

IV. Print Reserves in Stitt Library

Librarians place printed material on reserve for instructors in Stitt Library. Students commonly make photocopies of such materials under the doctrine of fair use.

a. In all cases, copied materials on reserve should be clearly attributed and include a notice that they are subject to copyright protection (see note 1).
b. Repeated placement on reserves of a copyrighted resource **that the library does not own** by the same instructor for the same course will require copyright permission after one semester.
c. Stitt Library staff will not place materials on reserve that do not pass the tests of fair use (Section V) or copyright clearance as outlined in this policy. See Section I.c. above.

V. Using Material in the Classroom

a. Copies can be made for classroom use (no more than one per student) if they meet the tests of brevity, spontaneity, and cumulative effect and they include proper attribution and a notice of copyright.
b. Display of print, photographs, web-based, or audio/video material in the classroom is always allowed when copies are not being made as long as:
   i. the resource being displayed was obtained legally;
   ii. it is being used for instructional purposes;
   iii. it is being shown in a face-to-face teaching environment; and
   iv. at a non-profit educational institution.

VI. **Fair Use of Intellectual Property Created by Austin Seminary Faculty and Students in Courses**

a. In conformity with the Seminary's policy on intellectual property, course syllabi, notes, and handouts created by instructors are the work product

and intellectual property of their creators. Faculty should inform students about restrictions they wish to impose on the copying and distribution of these materials.

b. In conformity with the Seminary's policy on intellectual property, classroom lectures are the intellectual property of the instructor. Students may record classroom lectures only with the express permission of the instructor.
c. Student papers, presentations, and other products created in courses are the intellectual property of their creators. Austin Seminary may collect and keep copies of student work as part of its assessment of learning, in compliance with the Family Educational Rights and Privacy Act (FERPA).
d. Instructors who wish to use copies of student work for purposes other than grading should secure written permission from students. Student work that is no longer needed should be securely shredded. Students should be informed about issues such as anonymity and whether the work will be used as examples for face-to-face instruction, placed on publicly accessible websites, or included in publications.

Resources:
Title 17, U.S.C.:
http://www.copyright.gov/title17/

Section 107 (Fair Use):
http://www.copyright.gov/title17/92chap1.html#107

United States Copyright Office, Circular 21: Reproduction of Copyrighted Works by Educators and Librarians: http://www.copyright.gov/circs/circ21.pdf

Know Your Copyrights (Association of Research Libraries):
http://www.knowyourcopyrights.org/resourcesfac/kycrbrochure.shtml

Copyright Crash Course (UT System), and linked resources:
http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm

Duke University Copyright Guidelines for Electronic Course Content, and linked resources from Duke University:
http://library.duke.edu/about/depts/scholcomm/copyright-and-fair-use.pdf

Copyright Information Center (Cornell University):
http://www.copyright.cornell.edu/

Copyright Policy (University of Massachusetts Amherst):
http://www.library.umass.edu/copyright-policy/

University of Texas System Guidelines for Classroom Copying of Books and Periodicals

http://www.utsystem.edu/ogc/intellectualproperty/clasguid.htm

Distance Education (Columbia University Libraries):
http://copyright.columbia.edu/copyright/special-topics/distance-education/

"Copyright Law and Distance Education: Overview of the TEACH Act," by Kenneth D. Crews, Columbia University:
http://copyright.columbia.edu/copyright/files/2010/08/teach-act-summary-by-kenneth-crews.pdf

TEACH Act Toolkit (NC State University):
http://www.provost.ncsu.edu/copyright/toolkit/

Copyright Crash Course (UT Austin):
http://copyright.lib.utexas.edu/teachact.html