

ADMINISTRATIVE RULE NO: 4030-02
RELATED TO POLICY SERIES NO: 4030

TITLE: COPYING BOOKS OR PERIODICALS FOR USE IN AN ACADEMIC SETTING

Linn-Benton Community College will observe all federal laws governing the use of copyrighted material. Employees who knowingly violate copyright law also violate this college administrative rule and are, therefore, acting outside the scope of their employment. Employees acting outside the scope of their employment, and in knowing violation of copyright law, are personally liable to defend themselves against any enforcement action brought by a copyright owner. Further, such employees are personally liable to pay any judgment resulting from a successful infringement claim.

In order to prevent the unauthorized use of copyrighted materials, the college has established the following rules:

- A. All photocopy machines owned or leased by the college will have the following statement affixed and in plain view:

THE UNLAWFUL REPRODUCTION OF COPYRIGHTED MATERIAL IS PROHIBITED. INDIVIDUALS WHO ILLEGALLY REPRODUCE COPYRIGHTED MATERIAL ARE PERSONALLY LIABLE TO DEFEND THEMSELVES AGAINST LITIGATION AND PAY ANY SUBSEQUENT JUDGMENT BROUGHT BY A COPYRIGHT OWNER.

- B. No college employee shall copy, or cause to be copied, copyrighted material unless that employee has obtained permission from the copyright owner or is acting through a recognized exception created by the copyright statutes (e.g., the “fair use” doctrine).
- C. In order to facilitate contact with copyright owners, the college shall make available to all employees an easy-to-use electronic inquiry system. If the electronic system does not provide contact with the owner of a copyrighted work needed by the employee, permission must be sought in alternative ways. The unauthorized copying of copyrighted material is not allowed simply because it is difficult to contact the copyright owner.
- D. Federal law provides classroom instructors a limited exception to the permission requirements contained within the copyright statutes. This exception, deemed the “fair use” exception, is imprecise and subject to varying interpretations. Despite the lack of clarity in the law, the college has established a fair use protocol that, in its judgment, conforms to the law.

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FAIR USE PROTOCOL

A classroom instructor may produce, or cause to be produced, multiple copies of a copyrighted work provided **all** of the following conditions have been met.

- A. The copies are for direct instructional purposes only.
- B. Students are not charged for the copies beyond that amount necessary to recover direct printing costs.
- C. The copies are used for classes in **one academic quarter only**, without repeated use in subsequent quarters.
- D. The material copied is a short work of less than 2,500 words or, for material copied from longer sources, the copied portion represents 2,500 words or 10 percent of the total work. Charts, graphs, photographs or other pictorial images shall not exceed 10 percent of similar images within the total work.
- E. Proper attribution of the copyright owner is included on the distributed copies.
- F. The inspiration to use the copyrighted material occurred within the academic quarter of planned use, or not more than one week preceding the beginning of that academic quarter.
- G. The material copied cannot serve as a substitute for purchased books, anthologies, compilations, or periodicals.
- H. The material copied cannot be from works intended to be consumable (e.g., workbooks, test booklets, answer sheets, etc.).
- I. Printing Services shall not reproduce copyrighted materials without verification of permission granted by the copyright owner. Fair use exception requests shall require a signed statement from the requesting source that the college's fair use guidelines have been observed. College funds may not be used to pay third party printers for producing copies that violate this administrative rule.
- J. Any person may make a single copy of a copyrighted work for personal research or scholarly purposes.
- K. See AR 4030-01 for fair use standards applicable to audiovisual works.

DATE OF ADOPTION: 04/06/93

DATE(S) OF REVISION(S): 11/14/00