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University Libraries - Course Reserves

Policy Contents

I. Reason for this Policy.....	1
II. Statement of Policy	1
III. Definitions.....	3
IV. Procedures	4
V. Related Documents, Forms and Tools.....	4

I. REASON FOR THIS POLICY

The University Libraries provide a course reserves service through which faculty may make certain instructional materials available to students. This policy describes the guidelines and procedures for using the course reserves service. This policy outlines the University Libraries’ best effort to comply with current interpretations of copyright law and case rulings related to course reserves and to protect the University from potential legal challenges. University Libraries will assist instructors in making library owned material accessible for their classes; however, University Libraries is not responsible for enforcing copyright compliance. Each faculty member is responsible for complying with copyright law in his/her teaching, research, and service activities.

II. STATEMENT OF POLICY

The University Libraries provide a course reserves service (Course Reserves) for faculty to make certain copyrighted materials that students do not purchase or lease available to them as part of their curricular learning experiences. Course Reserves makes materials available in two formats. Physical Reserves consist of book and media materials held at and available for check-out from the Circulation Desk in the I.D. Weeks building. E-reserves consist of digital materials that are made available in the Desire2Learn (D2L) Learning Object Repository (LOR). Materials that are acceptable, not acceptable, or not appropriate for Course Reserves are outlined below.

Acceptable

A reading requested by a faculty member will be placed on Course Reserves if: (1) the proposed use meets the criteria of "Fair Use" as evaluated by Course Reserves' staff or (2) evidence documents that the rights holder (often the publisher) has given permission for the proposed use of the materials. The specific treatment of acceptable materials depends upon the format, amount, proposed use, and copyright status of the materials.

Entire books held in the collections of the University Libraries will be placed on Physical Reserves. Lawfully purchased faculty owned material may also be placed on Physical Reserve.

Portions of a book will be scanned and placed in the LOR if the proposed use fulfills the criteria to be considered a "Fair Use."

Short fiction pieces, poetry, drama, photography, and film may be available within works or collections already owned by the University Libraries. Course Reserves (with the assistance of the subject liaison librarian) will search for library-owned versions of a requested item.

Media materials owned by the University Libraries and needed for a course may be placed on Physical Reserves. Students may reserve a media viewing room if they would like to play a media item alone or in a group. (<https://rooms.usd.edu>)

Faculty may place works they have created that have not been commercially published, such as lecture notes and test question sets, directly into their D2L websites without going through Course Reserves. Course Reserves' staff will assist in managing these materials as time permits.

Not Acceptable Without Written Permission of the Rights Holder

Textbooks (including faculty desk copies), workbooks, practice tests, other consumable or individualized items produced commercially, and some other materials may not be placed on Course Reserves.

Written permission must be obtained from the rights holder to use the material if the portion(s) do not meet the criteria of "Fair Use."

Not Appropriate

Articles or other electronic materials available through the subscription resources licensed by the University Libraries may not be placed directly into D2L. Instead, links to these articles may be placed inside D2L.

Items placed on electronic reserve cannot also be placed on physical reserve. Items in D2L are available twenty-four hours a day from any location with computer access. Students who prefer a paper copy of an article or book chapter rather than reading on a screen can download the PDF from D2L and print it.

Items obtained via interlibrary loan may not be placed on course reserve. Interlibrary Loan is a service based on the premise of individual use.

Considerations

Today's students rarely consult items placed on Physical Reserves. Items placed on Physical Reserves can only be used by one student at a time and are not available to distance students.

If physical materials (including articles) are available for a reasonable price in electronic format, the University Libraries will consider purchasing items in electronic format rather than posting documents in E-reserves or placing items on Physical Reserves. Items will be reviewed by the subject liaison librarian for potential purchase using departmental book budget funds.

III. DEFINITIONS

Copyright – Copyright protects a work of authorship fixed in any tangible medium of expression from unauthorized reproduction. Copyrighted material may include, but is not limited to, computer software, mask works, art work, music, technical articles, books and other literary works. Copyright provides protection for the expression of an idea, but not the idea itself.

Copyright Owner - "With respect to any one of the exclusive rights comprised in copyright, refers to the owner of that particular right." 17 U.S.C. 101.

Desire2Learn (D2L) – A course management system used by the University of South Dakota that provides a secure, online interface maintained by the faculty member for students in courses to interact with course materials and activities.

E-reserves – Items that are loaded by Course Reserves into D2L and linked to by faculty into the specific course.

Fair Use - A principle within copyright law that allows the limited use, for limited purposes, of copyrighted material without permission of the copyright holder. Four factors are weighed in the determination of whether or not a particular use is fair

(<http://www.copyright.gov/fls/fl102.html>):

- Purpose and character of the use (commercial use or nonprofit/educational use);
- Nature of the copyrighted work, i.e. fiction or non-fiction, published or unpublished;
- Amount and substantiality of the portion of the work used in relation to the work as a whole;
- Effect of the use upon the potential market for or value of the copyrighted work.

D2L Learning Object Repository (LOR) – A secure, online storage area within the D2L where materials are loaded by Course Reserves. Faculty link to the items from within their D2L course, so enrolled students can access them.

License – A contract with a copyright holder giving permission to use a copyrighted work.

Permission – An agreement from a copyright owner allowing another party to exercise one or more of the exclusive rights provided the copyright owner under the Copyright Law.

Physical Reserves – Items in physical formats, such as videos, DVDs, and books, stored at the Circulation Desk at the request of faculty for student use in a course. Items circulate for short periods (2 hours, 4 hours, 24 hours, 3 days, or 1 week) as designated by the faculty member.

IV. PROCEDURES

Faculty must complete a Course Reserves Request Form located online at <http://www.usd.edu/library/course-reserves-request-form.cfm> detailing information for each item they wish to place on Course Reserves. Faculty members are encouraged to submit course reserves requests as soon as possible to allow time for processing, and, if necessary, purchase and receipt. Requests will be processed in the order in which they are received and as quickly as possible, staff time permitting.

Course Reserves will research the availability of each item and communicate with faculty any other factors regarding each item's proposed use.

Course Reserves will request copyright permission as needed for materials that faculty wish to place on Course Reserves. University Libraries will pay permission fees of up to \$75 per item.

Items will be placed on Course Reserves while permission is being sought, but will be removed immediately if permission is not granted.

Electronic Course reserves will be made available for one semester via the LOR in D2L. At the end of the semester Electronic Reserves will be deleted from the LOR and Physical Reserves returned to the stacks. Faculty are encouraged to contact Course Reserves by email (eres@usd.edu) or phone (605-677-6082) if they have questions or concerns.

V. RELATED DOCUMENTS, FORMS AND TOOLS

Course Reserves page	http://www.usd.edu/library/reserves.cfm
Course Reserves LibGuide	http://libguides.usd.edu/reserves
Course Reserves Request Form	http://www.usd.edu/library/course-reserves-request-form.cfm
University Libraries Copyright Information for Course Reserves	http://bit.ly/qmX9qu
"Linking Directly to Resources: Individual Articles and Records" LibGuide	http://libguides.usd.edu/purl
Fair Use Test	http://www.copyright.gov/fls/fl102.html
U.S. Copyright Office	http://www.copyright.gov/