

FACULTY AGENDA ITEM NO 18-25

Date: 2/28/18

Submitted by: *Faculty Affairs Committee*

SUBJECT: ***Modification to Handbook – Copyright Materials***

Rationale: This section of the Faculty Handbook no longer represents current practice regarding copyright law and the following modifications are recommended.

Description:

1. Eliminate Appendix VII - Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions

2. Modify Section Six XV:

Current wording Six XV

XV. Copyrighted Materials for Classroom Use

A. POLICY STATEMENT

It is Washburn University of Topeka policy, in order to help ensure compliance with federal copyright law, that its administration and faculty adhere to the "Guidelines For Classroom Copying in Not For Profit Educational Institutions."

B. SINGLE COPYING

A single copy may be made of any of the following materials:

A chapter from a book, an article from a periodical or newspaper; a short story, short essay, or short poem, whether or not from a collective work; a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

C. MULTIPLE COPYING

A faculty member preparing materials to be reproduced for sale or distribution to students in his/her classes may do so without permission of the copyright holder under the so-called "fair use" doctrine under the federal copyright law generally only when

1. the material represents only a small portion of a work (brevity test);
2. the decision to use the material is spontaneously made and there is not reasonable time to obtain permission (spontaneity test);
3. the material includes a notice of copyright;
4. the copying is not a substitute for the purchase of books, publisher's reprints or periodicals; and,
5. no charge to student will exceed copying costs.

(These statements are characterizations of guidelines adopted by agreement of educators, authors and publishers in an Agreement On Guidelines For Classroom copying in Not-For-Profit Educational Institutions with Respect to Books And Periodicals. The complete text of the Guidelines are found in [Appendix VII](#).)

Otherwise, the general rule is that permission is required for copying articles from periodicals, chapters from books, brochures, pamphlets and other publications, poems and graphs; illustrations, charts and pictures even when the materials are being used for educational purposes. Continuing reproduction of materials from year to year for a repeating course does not fall within the "fair use" doctrine.

Responsibility for complying with applicable copyright law rests with the faculty member preparing the material.

D. REQUEST

When requesting the University to reproduce materials for a class, the faculty member shall certify that:

a. reproduction of the materials for classroom use meets the fair use test expressed in the Guidelines ([Appendix VII](#)); or

b. permission has been obtained from the copyright holder and, if applicable, an agreement made for the payment of royalties.

In the event faculty member's payment of royalties is contingent upon the number of copies sold or on amounts collected by University from sale, the faculty member shall provide the University with a copy of the agreement so that it may include the amount in the retail sale price of the material and properly account for and pay to the faculty members all amounts due him/her.

Proposed wording Section Six XIII:

XV. Copyrighted Materials for Classroom Use

For the most current guidelines associated with copyrighted materials for classroom use, please link to Washburn University Libraries LibGuide (<https://libguides.washburn.edu/copyright>)

Financial Implications: None

Proposed Effective Date: *Immediately*

Request for Action: *Approval by FAC*

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Approved by: *FAC 04/02/2018*

Faculty Senate on April 16, 2018