

OFFICE OF THE CHANCELLOR  
LOUISIANA STATE UNIVERSITY AT ALEXANDRIA

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SUBJECT: COPYRIGHT LAWS

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PURPOSE: To inform all concerned that violation of copyright law is contrary to University policy and that "Fair Use" provisions of copyright law should be utilized to the fullest extent possible.

### GENERAL POLICY

Full compliance with intellectual property laws of the United States is the responsibility of each University employee and student. The Copyright Act of 1976 (P.L. 94-553) and its revisions and supplements must be observed. Any expression of an idea that is "fixed in some tangible means" is copyrightable. This policy is in compliance with PM 15, Copyright Guidelines Regarding Electronic Learning, and PM 17, Fair Use of Copyright Material.

#### FAIR USE OF COPYRIGHTED MATERIAL

LSUA Library Services has prepared a *Checklist for Fair Use* to help faculty and staff determine whether a particular item falls under Fair Use or another exempt category. Copies of the checklist are posed on the library's web page under "Faculty Resources."

#### Faculty and Classroom Fair Use

Under U.S. copyright law, the concept of "fair use" permits reproducing portions of a copyrighted work without the copyright owner's permission when certain factors are met. Section 107 of the copyright law establishes those factors.

- Purpose and character of use, including whether such use is of a commercial nature or is for nonprofit educational purpose;
- Nature of the copyrighted work;
- Amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- Effect of the use upon the potential market for or value of the copyrighted work.

Guidelines of Fair Use for the classroom can be found on the library web page. Using materials for educational purposes is insufficient reason to allow unrestricted use of copyrighted materials. Also, the fact that a work is not published does not allow ignoring the concept of copyright or fair use. The following are prohibited under copyright legislation:

- Unauthorized copying may not create, replace, or substitute for anthologies, compilations, or collective works;
- Unauthorized copies may not be made of “consumable” works including workbooks; exercises; standardized tests; test booklets; answer sheets and the like;
- Persons in positions of authority, such as a University administrator, a department head, an instructor or others may not attempt to exert pressure on office staff, library staff or others to make unauthorized copies;
- No charge shall be made to the student beyond the actual cost of the copying.
- Original copyright notice must appear on all copies.
- The same instructor cannot copy the same item without permission from semester to semester.

Course packs may be ordered from the LSUA copy center according to its procedures. In that case, copyright royalties and processing fees will be paid by students when they buy the course pack.

#### Library Fair Use

Under Section 108 of the copyright act, a library may copy material for its reserve collection following guidelines similar to those for multiple copying for classroom use:

- Material must include the original copyright notice on the first page of the copies.
- Students may not be assessed any fee beyond actual cost of copying.

Faculty member’s requests for multiple copies to be placed on reserve must meet these guidelines:

- Amount of material should be reasonable;
- Number of copies should be reasonable;
- Published materials should contain original copyright notice;
- Copyright declaration signed by the instructor must be included with each item.

#### Course software (D2L) downloads should include these factors:

- Access is restricted to enrolled students;
- Material may be accessible for the duration of the course with termination of access by end of semester;
- Original copyright notice must be attached;
- D2L hyperlink to a text when it is owned or licensed by the library.

#### Non-Print and Other Audio-Visual Materials

Non-print, audio-visual, and digital materials are generally governed by more stringent copyright regulations than are print materials. The library will research fair use of these types of materials on a case-by-case basis and offer guidance. However, such research will result in the reasoned judgment of a librarian; for a more definitive ruling, University counsel should be consulted. Consultation with University counsel should be initiated through the Vice Chancellor for Academic and Student Affairs and/or through the Vice Chancellor for Finance and Administrative Services.

Copyright Guidelines Regarding Distance Education

The Federal TEACH Act contains legislation affecting digital material and distance education; however, the TEACH Act does not limit fair use guidelines. Guidance on this issue is included in Appendices I and II to this policy statement.

Unauthorized Downloading

Unauthorized downloading or “pirating” of copyrighted music or video recordings using LSUA hardware or software is strictly prohibited. In addition to civil penalties, disciplinary action may be initiated against any person engaged in such behavior.

**SOFTWARE**

All employees of Louisiana State University at Alexandria are prohibited from using, copying, and storing copyrighted computer software and/or other types of digital media; except as stipulated by the owner of the copyright or otherwise permitted by copyright law.

Additionally, employees may not install, copy, or use (licensed) software and/or other types of digital media on LSUA’s computing resources until the software and/or media is properly licensed and all license provisions for installation, use, copying, number of simultaneous users, terms of license, etc. have been met.

## APPENDIX I

### Checklist to see whether you are ready to use the TEACH Act:

Hardy, Darcy. "Checklist to see whether you are ready to use the TEACH Act." *UT System Crash Course in Copyright*. <http://www.utsystem.edu/ogc/Intellectualproperty/clasguid.htm> (6 Sept. 2006).

- My institution is a nonprofit accredited educational institution or a governmental agency
- It has a policy on the use of copyrighted materials
- It provides accurate information to faculty, students and staff about copyright
- Its systems will not interfere with technological controls within the materials I want to use
- The materials I want to use are specifically for students in my class
- Only those students will have access to the materials
- The materials will be provided at my direction during the relevant lesson
- The materials are directly related and of material assistance to my teaching content
- My class is part of the regular offerings of my institution
- I will include a notice that the materials are protected by copyright
- I will use technology that reasonably limits the students' ability to retain or further distribute the materials
- I will make the materials available to the students only for a period of time that is relevant to the context of a class session
- I will store the materials on a secure server and transmit them only as permitted by this law
- I will not make any copies other than the one I need to make the transmission
- The materials are of the proper [type and amount](#) the law authorizes:
  - Entire performances of nondramatic literary and musical works
  - Reasonable and limited parts of a dramatic literary, musical, or audiovisual works
  - Displays of other works, such as images, in amounts similar to typical displays in face-to-face teaching
- The materials are not among those the law specifically excludes from its coverage:
  - Materials specifically marketed for classroom use for digital distance education
  - Copies I know or should know are illegal

- Textbooks, coursepacks, electronic reserves and similar materials typically purchased individually by the students for independent review outside the classroom or class session
- If I am using an analog original, I checked before digitizing it to be sure:
  - I copied only the [amount](#) that I am authorized to transmit
  - There is no digital copy of the work available except with technological protections that prevent my using it for the class in the way [the statute authorizes](#)

## APPENDIX II

### Guidelines for Classroom Copying of Books and Periodicals

Hardy, Darcy. "Guidelines for Classroom Copying of Books and Periodicals." *UT System Crash Course in Copyright*. <http://www.utsystem.edu/ogc/Intellectualproperty/clasguid.htm> 6 Sept. 2006).

(The guidelines reprinted below are an adaptation of the actual copying guidelines agreed to by the Association of American Publishers and The Author's League of America with minor editorial changes.)

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying may not be permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

#### I. Single Copying for Teachers

A single copy may be made of any of the following or any part thereof by or for any faculty or staff member at his or her individual request:

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

#### II. Multiple Copies for Classroom Use:

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the faculty giving the course for classroom use or discussion, *provided that*:

- A. The copying meets the following tests of brevity and spontaneity as defined below; *and*,
- B. Meets the cumulative effect test as defined below; *and*,

C. Each copy includes a notice of copyright

Definitions

*Brevity*

- (i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

- (iii) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- (iv) "Special" works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

*Spontaneity*

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

*Cumulative Effect*

- (i) The copying of the material is for only one course in the school in which the copies are made.
- (ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

### III. PROHIBITIONS AS TO I AND II ABOVE

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying may not be used to create or to replace or substitute for anthologies, compilations or collective works. A prohibited replacement or substitution occurs regardless of whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
- B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
- C. Copying shall not:
  - 1. substitute for the purchase of books, publisher's reprints or periodicals;
  - 2. be directed by higher authority; or
  - 3. be repeated with respect to the same item by the same teacher from term to term.
- D. No charge may be made to the student beyond the actual cost of the photocopying.