I. POLICY STATEMENT

GENERAL STATEMENT:

Northern Kentucky University is committed to compliance with the United States Copyright Revision Act of 1976, as amended (17 USC 101 et seq.) relating to reproduction of copyrighted materials. The unauthorized reproduction of copyrighted material is a serious violation of University policy as well as federal law.

SCOPE:

These procedures apply to all reproduction of copyrighted material either for a purpose related to the University or by or upon university facilities. Reproduction shall include, but not be limited to, copying or duplication by photocopying of printed material; copying of video, audiocassette, reel, or other broadcast material; or duplication of software. Reproduction for purposes related to the University shall include, but not be limited to, materials reproduced for teaching, research, course presentation, extracurricular activities, broadcast media, and the like. University facilities include, but are not limited to, all machines, devices, and media capable of copying, duplicating or reproducing copyrighted material in any form.

Photocopying

1. Unauthorized Photocopying:
Unauthorized photocopying is a violation of federal copyright law and therefore a violation of university policy.

2. Guidelines for Authorized Photocopying:
The protection afforded by a copyright is subject to an exception for fair use of material, as set forth herein. Since a determination of fair use is made on the facts of the specific use, guidelines for fair use for classroom copying in not for profit educational institutions have been developed by the National Association of College Stores, Association of American Publishers, Association of American University Presses, Ad Hoc Committee on Copyright Law Revisions, and the Author-Publisher Group (Authors League, Inc.) These guidelines are adopted and attached hereto as Exhibit A to this regulation. Photocopying pursuant to these Guidelines conforms to University policy.

3. Compliance:
   a. Individual Responsibility:
      It is the individual requestor’s responsibility to assure that all photocopies of copyrighted material which he/she reproduces or causes to be reproduced either fall within the doctrine of fair use or have been cleared for use with the holder of the applicable copyright. Each individual photocopying or requesting photocopying of any written material for any purpose associated with the University or utilizing any photocopying facilities of the University shall familiarize himself/herself with these University procedures and shall complete a “reproduction of...
copyrighted material" form which is attached hereto as Exhibit B. If any individual has any question as to whether his/her proposed photocopying constitutes a fair use of copyrighted materials pursuant to the attached guidelines, he/she shall request permission from the publisher. A sample permission form is attached hereto as Exhibit C.

b. Department Responsibility:
Each department shall be responsible to insure that the University's Photocopying Procedures are disseminated to all appropriate employees. All completed "reproduction of copyrighted material" forms for proposed photocopying on University facilities shall be approved by the requestor's supervisor or department head. See also Section # 2 below.

4. Bookstore:
The Bookstore shall comply with the University's Photocopying Procedures. The Bookstore will obtain permission letters for all copyrighted components of anthologies which will be assembled to be sold through the Bookstore. The standard textbook ordering deadlines must be met in order to allow the Bookstore to secure permission for utilization of copyrighted material in anthologies.

Software

1. General:
A computer program is defined as a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.
a. A computer program is also known as computer software, is copyrightable, and subject to the copyright laws of the United States. No person in possession of a particular copy of a computer program may, for the purposes of direct or indirect commercial advantage, dispose of, or authorize the disposal of the computer program (including any tape, disc or other medium embodying such program) by rental, lease or lending, or by any other act or practice in the nature of rental, lease or lending.
b. The purchase of computer software entails the grant of a license to the purchaser and other authorized users to use the computer program consistent with the terms of the license. A violation of the terms of the license can be an infringement of the copyright of the owner of the computer program.

2. Unauthorized Reproduction:
Computer software utilized for University purposes may not be reproduced, nor may computer software be copied on University facilities, except as set forth below.

3. Broadcast Material and Recorded Video or Sound
The requirements and limits under federal copyright laws for reproduction of phonorecords, broadcast material, videocassettes, audiocassettes, CDs and DVDs by libraries and archives are specifically set forth in 17 USC 108 through 112. All university employees responsible for reproduction of these items shall familiarize themselves with the statutes. Federal law and University policy require copyright law notices to be conspicuously displayed and consistent with this policy.

Copyright notices

1. Equipment Notice:
A notice concerning copyright shall be conspicuously affixed to each piece of equipment capable of reproducing copyrighted material (with the exception of computers) and which shall state the following:
Notice
"The making of copies may be subject to copyright law. Violation of copyright law can subject the violator to civil and criminal penalties for copyright infringement."

2. Display Warning of Copyright:
   a. A "display warning of copyright restrictions" shall be displayed at the places where orders for copies or phonorecords, or tapes (audio or visual) are accepted by NKU copying services, all campus libraries, media services and archives. The text of the notice of warning is at Section G.2 c., below.
   b. An "order warning of copyright restrictions" is a notice which shall be included on printed order forms supplied by campus libraries, copying services, archives and media services and used by their patrons for ordering copies, phonorecords, or taped (audio or visual). The text of the warning shall read as follows:

   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.
   NKU reserves the right to refuse to accept a copying orders if, in its judgment, fulfillment of the order would involve violation of copyright law.

3. The display warning of copyright restrictions shall be printed on heavy paper or other durable material in type at least 18 points in size, and shall be displayed prominently, in such manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted.

4. The order warning of copyright restrictions shall be printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be printed in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible, and readily apparent to a casual reader of the form.

1. Sanction:
   Violation of these procedures constitutes a violation of federal copyright law and university policy, which may result in disciplinary action to include termination of student status, employment or visitor status at the university.

2. Departmental Responsibility:
   Each department shall be responsible to insure that these procedures are disseminated to all appropriate employees and students. All completed "reproduction of copyrighted materials" forms for proposed copying on University facilities shall be approved by the requestor's supervisor or department head.

II. ENTITIES AFFECTED

Faculty, Staff, and Students
IV. DEFINITIONS

1. Copyright:

A copyright is an intangible right granted by statute to the author or creator of certain literary or artistic works, whereby he/she is vested for a period of time with sole and exclusive rights of ownership to the work, which rights include the right to publish and reproduce the work. The ownership rights granted by a copyright are qualified by the doctrine of "fair use."

2. Fair Use:

Fair Use is the privilege in one other than the owner of a copyrighted material in a limited and reasonable manner without the consent of the copyright holder and notwithstanding the monopoly granted by the copyright to the owner. In determining whether the use of a copyrighted work in a particular case is a fair use, the following must be considered:

a. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational purposes;
b. The nature of the copyrighted work;
c. The amount and substantiality of the portion used in relation to the copyrighted work as a whole;
d. The effect upon the potential market for or value of the copyrighted work.

IX. EXCEPTIONS

Computer software may be reproduced as Follows:

a. With express permission of the owner of the copyright, either as set forth in the license accompanying the software, or by direct authorization in writing from the copyright owner; and

b. The authorized user(s) may make one back-up copy to be held for his/her own use as an archival copy in the event the original fails to function and not inconsistent with the license. Provided however, that back-up copies may not be used on a second computer when the original software is in use.

XII. REFERENCES AND RELATED MATERIALS

REVISION HISTORY

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