

## Faculty Senate Resolution #12-38

Approved by the Faculty Senate: March 27, 2012

Approved by the Chancellor: May 2, 2012

### Proposed New Section to the *ECU Faculty Manual*, Part V. Academic Information, Section I. Use of Copyrighted Works

#### **Add new section in the Faculty Manual.**

#### Use of Copyrighted Works

##### 1. Appropriate Use of Copyrighted Works

The Copyright Act of 1976, as amended (Title 17, U.S. Code), generally protects certain rights and privileges of the copyright owner to exclude others from the right to reproduce and publicly distribute, display or perform a work, as well as revise or prepare a derivative work based upon a copyrighted work, without obtaining permission from the copyright owner. As an institution devoted to the creation, discovery and dissemination of knowledge, the University supports the responsible, good faith exercise of full fair use rights contained in the Copyright Act.

##### 2. Fair Use

The “fair use doctrine” of the Copyright Act allows certain statutory exemptions applicable to academia, recognizing the fundamental non-profit mission of universities to advance and disseminate knowledge for public benefit.

###### a. Elements of Fair Use

Individuals from the University community who wish to make fair use of a copyright work must consider in advance four statutory factors:

###### i. Purpose and Character of the Use

The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.

###### ii. Nature of the Work

The characteristics of the work being used, including whether it has been previously published and whether it is factual or fictional.

###### iii. Amount of Work to be Used

The amount, substantiality and qualitative nature of the portion used in relation to the entire copyrighted work.

###### iv. Effect on the Market

The effect of the use on the potential market for or value of the work.

###### b. Procedure for Making Fair Use Determinations

The University Copyright Committee, together with the Office of the University Attorney, shall issue and, as necessary, revise guidelines to assist University faculty, EPA non-faculty employees, SPA staff employees, and students in making fair use evaluations. The Chancellor shall also maintain copyright and fair use resources at the ECU libraries. The Copyright Management Officer shall advise faculty, EPA-non-faculty employees, SPA employees and students regarding fair use determinations pursuant to Section 2 of this policy as well as Research Information found in the *ECU Faculty Manual*.