



BENTLEY UNIVERSITY

Bentley Library

175 Forest Street, Waltham, MA 02452

781.781.2231

library@bentley.edu

Course Reserves Copyright Policy

General Copyright Statement Regarding Course Reserve

Copyrighted materials made available via course reserve (both print and electronic) are for use in class, related course study outside of class, and course research. The use of copyrighted materials in all formats, including the creation, online delivery, and use of digital copies of copyrighted materials submitted for course reserve, must be in compliance with U.S. copyright law and the policy outlined herein.

General Information

Bentley University Library supports instruction at Bentley University through the availability of course reserves and other collection access services. The primary function of these services is to ensure that students and teachers have timely and equitable access to course-related library resources.

Materials may be copied and made available for course reserves when they are:

- in the public domain; or
- used with permission from the copyright holder; or
- used under the provisions of a contract or license agreement, noting that agreements may differ from, and often take precedence over, what is allowed under copyright law; or
- used under the provision of Fair Use U.S. Copyright Act, 17 U.S.C. Section 107, as outlined in the Classroom Guidelines or as determined using a case-by-case four-factor analysis

Bentley University Library retains the right to refuse any request for reserve, or remove materials already on reserve, on the basis of law-related or administrative concerns. Alternative arrangements will be investigated to bring any declined request into compliance with copyright law.

The following standards, adapted and expanded from the Association of Research Libraries' (ARL) 2012 Code of Best Practices in Fair Use for Academic and Research Libraries, will be applied when copying copyrighted works for course reserves under the provisions of Fair Use (Section 107). This includes, but is not limited to, musical works (scores, lyrics, recorded performances), spoken word audio or other audiovisual recordings.

Instructor Responsibilities

- All materials submitted by instructors must support course-related teaching, scholarship, or research and must be, or originate from, a lawfully obtained copy
- Closer scrutiny will be applied to uses of content created and marketed primarily for use in courses (e.g., a textbook, workbook, or anthology designed for the course)
- In the reproduction of copyrighted materials, only the amount needed to accomplish the specific pedagogical purpose should be copied. In consultation with library staff, instructors will determine any limits on the amount of material to be used to ensure compliance with fair use guidelines

User Responsibilities

- All materials placed on course reserves are to be used solely for non-commercial educational purposes and in support of the course(s) for which they are designated
- Copyrighted materials made available through course reserves may be copied for teaching, scholarly, or research purposes, and should not be reproduced for further distribution

Library Responsibilities

- The Library will provide information resources and guidance to instructors to assist them in evaluating the qualifications of a specific use as fair use
- The library will provide information to students about their rights and responsibilities regarding their own use of course materials
- Access to materials on course reserves will be limited to students currently enrolled and their instructors
- Access to course material on electronic reserve will be restricted by password to students currently enrolled and their instructors
- Whenever possible, library staff will provide a link to requested material through licensed databases, rather than scanning and posting material
- Materials made available on electronic reserve will include a citation to the original source of publication and a notice stating that the work may be protected by copyright
- Materials will be removed from course reserves when they are no longer required to support designated courses, in most cases at the conclusion of the semester or session for which the request was made

Fair Use Analysis

Bentley University Library relies on the guiding principles of the fair use doctrine, codified in Section 107 of the U. S. copyright law in all of its course reserve practices, policies, and decisions. The following four-factor analysis, adapted from the 2003 "Statement on Fair Use and Electronic Reserves," by Georgia Harper and Peggy Hoon for the Association of College & Research Libraries (ACRL), outlines the library's general fair-use assessment regarding course reserve service. However, each individual course and related course reserve materials must also be independently evaluated to ensure that they fall under a reasonable determination of fair use. See the fair use section of the Copyright Information Guide for faculty for more details.

First factor: The purpose and character of the use.

- Bentley University Library implements course reserve service in support of its nonprofit educational purposes

Second factor: The nature of the work to be used.

- Course Reserves include text materials, both factual and creative. Course Reserves also serve the interests of faculty and students who study music, film, art, and images.
- Library staff will consider the character of all materials in the overall balancing of interests.

Third factor: The amount and substantiality of the portion used in relation to the materials as a whole.

- Library staff will consider the relationship of the amount and/or substantiality of the portion used to the whole of the copyright owner's work
- Because the amount that a faculty member assigns depends on many factors, such as relevance to the teaching objective and the overall amount of material assigned, University of Connecticut Libraries' staff may also consider whether the amount is appropriate to support the lesson or make the point. Library staff will reserve the right to refuse materials for course reserve if in their judgment the request would exceed fair use or otherwise constitute copyright infringement

Fourth factor: The effect of the use on the market for or value of the work.

- Bentley University Library limits access to electronic course reserve to students enrolled in the particular course(s) for which the material is assigned, and to instructors and assistants for that course
- Bentley University Library uses technology to restrict access to help ensure that only registered students and other authorized individuals access electronic content. Bentley University Library terminates student and instructor access at the end of a relevant semester

Further Information on Copyright

For more information on U.S. copyright law as it pertains to fair use and the lawful use of copyrighted material in library reserves, consult the [Copyright Information Guide](#) for faculty or contact Matthew Van Sleet, Circulation and Reserves Librarian at mvansleet@bentley.edu or 781-891-2311.