1. GENERAL

Sam Houston State University respects the rights of authorship granted to individuals and/or organizations through the various copyright laws. To that end, the University complies with the Texas State University System Rules and Regulations regarding ownership of intellectual property. The following policy has been adopted to ensure that faculty, staff, and students can work in an environment consistent with all applicable copyright laws.

2. USE OF COPYRIGHTED WORKS BY FACULTY, STAFF, AND STUDENTS

The University is committed to complying with all applicable copyright laws and supports the good faith efforts of faculty, staff, and students to abide by the fair use section of copyright law, 17 U.S.C. § 107. Faculty and staff may need to photocopy or digitize material to supplement research and teaching in support of the University’s mission in the development and transmission of information. This policy outlines the University’s position concerning the use of copyrighted materials by faculty, staff, and students. Please note that specific information relating to course reserves and file sharing can be located on the Library’s webpage; this policy does not address library photocopying or digitization which may be permitted under other sections of the copyright law, e.g., 17 U.S.C. §108. Except as allowed by law, faculty, staff, and students may not reproduce and distribute copyrighted material, use copyrighted material to prepare a derivative work, or publicly perform copyrighted material without permission of the copyright holder.

3. FAIR USE

Fair use is defined by 17 U.S.C. § 107. The fair use of a copyrighted work, including such use by reproduction for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

a. Elements of Fair Use. Faculty, staff, and students are responsible for making a good faith effort to determine whether the use made of a work in any particular case is a fair use. The factors to be considered shall include:

(1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.

(2) The nature of the copyrighted work.

(3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
(4) The effect of the use upon the potential market for or value of the copyrighted work.

b. Guidelines for Determining Fair Use. Guidelines to assist faculty, staff and students in evaluating fair use of copyrighted material, as well as guidelines and policy for library course reserves, including electronic reserves, can be found on the Library’s webpage: http://library.shsu.edu/.

4. INFRINGEMENT

Infringement of copyright is determined by the University Copyright Officer and/or University legal counsel when necessary.

APPROVED:  
Dana G. Hoyt, President
DATED:  12/10/18

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents SHSU’s Division of Academic Affairs’ policy from the date of this document until superseded.

Original:  December 8, 1989  Review Cycle:  Five years*
Reviewer(s):  Council of Academic Deans  Review Date:  Spring 2022
Financial Senate  Academic Affairs Council
Approved:  <signed>  Date:  12/11/18
Richard Eglsaeer
Provost and Vice President
for Academic Affairs

*Effective January 2018, Academic Policy Statements will be reviewed on a rotating 5-year schedule. To transition to a distributed review load, some policies may be reviewed prior to the 5-year timeframe, with subsequent reviews transitioning to the 5-year schedule.