

Duquesne University Copyright Policy and Guide

A. Policy

This policy seeks to ensure that Duquesne University administrators, faculty, librarians, employees, students, and others will follow appropriate procedures when making use of the intellectual and creative property of others in their own research or teaching. To that end, this policy issues guidance by providing information, guidelines, resources, and additional support for addressing issues related to copyright.

Duquesne University is committed to providing an environment that supports and encourages respect for the intellectual property developed by its scholars, students, and others, as well as requiring that our community also respect copyrighted works developed outside the University. In each instance, we strive both to abide by current U. S. and international laws and to uphold the University's policy on Academic Integrity.

Unauthorized use and distribution of copyrighted works can deprive creators and publishers of a fair return on their work and inhibit the creation of new works. Respect for the intellectual and creative work and property of others has always been essential to the mission of colleges and universities. As members of the academic community, we value the free exchange of ideas. But just as the University does not tolerate plagiarism, it cannot condone the unauthorized use and distribution of intellectual and creative work. Such protected works may include, but are not limited to, written texts (whether in physical or electronic form), recorded music or audio files, musical scores, photographic images, and video images.

In addition to protecting the intellectual property rights of copyright holders, however, U. S. copyright law also recognizes the unique needs of educational institutions for the frequent and diverse use of copyrighted works through the concept of *fair use*.

Fair educational use of copyrighted materials is a subjective determination based on an analysis of the use against a set of criteria. Fair use, while a legal term, refers to a set of parameters and is not a clearly defined rule. However, it is a very important doctrine for the academic community, and therefore it is essential to understand and consistently apply the fair use criteria prior to using a copyrighted work. Direction and examples for understanding and applying the fair use criteria, as well as resources for additional research and guidance, are provided in the Guide and Resources section of this document.

B. Expectations

Compliance with this policy requires that all University constituents will:

1. Adhere to U. S. copyright law and fair use guidelines, as cited, and seek additional guidance through the University's Copyright Compliance Officer when necessary.
2. Follow specific policies as developed by the University with regard to use of classroom materials, posting materials to course websites, compiling coursepacks, placing items on course reserve, etc., including all materials posted to BlackBoard.
3. Complete a "Fair Use Checklist" for the use of materials in teaching, research, or publication, and retain this for your records.

C. Guide and Resources

The following materials are provided (as links to electronic resources) as a guide to assist in adhering to this policy and to copyright law:

Duquesne Resources

Duquesne University Copyright Guide

<http://guides.library.duq.edu/copyright>

Duquesne University Fair Use Checklist

<http://lgdata.s3-website-us-east-1.amazonaws.com/docs/1770/275173/FINAL-DUQUESNE-FAIRUSE-CHECKLIST.pdf>

Duquesne University Academic Integrity Policy

http://www.duq.edu/academic-affairs/_pdf/academic-integrity-policy.pdf

Duquesne University Intellectual Property Policy (TAP No. 40)

<http://www.duq.edu/hr/admin-policies/tap40.cfm>

Additional Resources

Copyright Basics (from the U.S. Copyright Office)

<http://www.copyright.gov/circs/circ1.pdf>

Copyright Law of the United States (complete text)
<http://www.copyright.gov/title17/index.html>

Copyright and Fair Use Guidelines (from the University of Chicago Press with the Support of the Mellon Foundation)
http://www.press.uchicago.edu/Misc/Chicago/copy_and_perms.pdf

Campus Copyright Rights and Responsibilities (developed by AAU, ARL, AAUP & AAP)
http://aaupnet.org/aboutup/issues/Campus_Copyright.pdf

Permissions
<http://copyright.columbia.edu/copyright/permissions/>

Copyright Renewal Database — Searchable (Stanford University)
<http://collections.stanford.edu/copyrightrenewals/bin/page?forward=home>

This Policy and Guide provides practical advice and procedures on copyright-related matters; however, it is not a substitute for legal advice, and proper legal advice should be obtained when necessary. If you have questions that are not answered by this Policy and Guide, please contact the University Copyright Compliance Officer. Questions requiring in-depth legal opinion will be referred to the Office of Legal Affairs.

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