General Policy

The purpose of the course reserves service is to make required materials available to Duquesne students subject to appropriate restrictions. Materials are placed on course reserves upon request of a faculty member. All course reserves require Duquesne ID for access and are available only for the duration of the course for which the material has been assigned.

All course reserves are removed at the end of each semester unless the material is being temporarily restored for students who have received incomplete grades and need access to complete their coursework.

The library will not place materials on course reserves if such use does not comply with U.S. copyright law and Duquesne’s copyright policy, including Duquesne’s Fair Use Checklist.

The library uses the fair use guidelines outlined in this policy to determine whether an item can be placed on course reserve without seeking permission of the rights holder.

Library staff will check the library's holdings to verify whether items requested are available from within the collection before placing an item on course reserve.

The library seeks permission from rights holders and pays reasonable fees to use copyrighted materials when fair use does not cover a particular item.

Materials requiring copyright permission will not be placed on reserve until permission is received. Obtaining permission may take several months, therefore faculty members should allow sufficient time for permission to be obtained when submitting course reserve requests.

Library staff will assist instructors to find alternate sources if an item cannot be placed on reserve due to cost or copyright restrictions.

The library will apply cost limits for permission fees on a per course basis. Instructors will be offered the opportunity to pay any fees above the course cap.

Materials Eligible for Course Reserves

Gumberg Library places the following types of material on reserve:

- Library owned books, audiovisuals, and photocopies of articles from print journals in the collection that are not available in a database licensed by Gumberg Library.
- Faculty owned books and audiovisuals, and lawfully acquired personal photocopies will be accepted. Materials obtained through interlibrary loan may not be put on reserve.
- Links to articles in databases licensed by Gumberg Library or websites that are freely available online, such as open access journals.
- Faculty owned exams, lecture notes and sample lab reports, and other personally developed materials for which the faculty member is either the rights holder, permission can be obtained from the rights holder, or falls under the fair use guidelines.

- Physical models such as human bone models used to study anatomy that would be impractical to require students to purchase.

**Materials Not Eligible for Course Reserves**

- Materials obtained through interlibrary loan.

- Materials that fall outside the scope of fair use for which necessary permission cannot be obtained at a reasonable cost.

**Limits for Book Excerpts on Course Reserves**

- An entire book may be placed on print reserve if owned by the library or the faculty member who makes the request. An entire print book will **not** be scanned and placed on electronic reserve.

- Excerpts from print books (10% of a work with nine or fewer chapters; one chapter of a work with 10 or more chapters) will be placed on electronic reserve. If the amount requested exceeds this limit, the library will request permission and pay reasonable royalty fees.

- Links to electronic books available in Gumberg licensed databases may be included on reserve or in an instructor’s reading list. See Gumberg’s [Deep Linking Guide](#) for information on creating links.

**Copyright Policy for Reserves**

Gumberg Library’s copyright policy for reserves is based on the advice of University Counsel, the Association of Research Libraries’ [Code of Best Practices in Fair Use for Academic and Research Libraries](#), and the fair use provisions of the Copyright Act of 1976, § 107, which states:

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

In determining 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; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.
Duquesne University’s [Fair Use Checklist](#) is the tool used by both library staff and faculty to document fair use decisions as necessary.

**Obtaining Permissions**

Library staff will assist instructors with obtaining permission for use of copyrighted materials that fall outside the scope of fair use. See Duquesne University’s [copyright policy](#) and Gumberg Library’s [faculty reserves guide](#) for more information.

**Print Reserves Policy**

1. Library staff will place original material on reserve at the request of instructors when Gumberg Library or the instructor owns the material. Materials on loan from other libraries will not be placed on reserve.
2. Library staff will place photocopied material on reserve at the request of instructors when:
   a. the request falls under the fair use provisions, or
   b. when the rights holder has given the instructor permission to use the materials for course reserve, or
   c. the instructor owns the rights to the material to be placed on reserve.
3. The library reserves the right to refuse requests that, in its judgment, exceed the reasonable limits of fair use.
4. No more than three copies of a copyrighted article will be accepted for reserve.
5. Photocopied material will be available for use only during the academic semester in which the course is given.
6. A copyright notice will appear on the first page of printed photocopies of reserve readings. Appropriate citations or attributions to their sources will be included for all copies.
7. The charge for copies made by students on library copiers or printers will be the same as for all other library photocopying and printing.

**Electronic Reserves Policy**

1. Library staff will place material on electronic reserve at the request of instructors under any of the following conditions:
   a. Gumberg Library has a current license for access to digital versions of copyrighted material. In this case the citation and link to the electronic version of the material will be added to the course page in the electronic reserves system to provide direct access to the requested material, or
   b. the request falls under the fair use provisions, or
   c. the rights holder has given the instructor permission to use the materials for course reserve, or
   d. the instructor owns the rights to the material to be placed on reserve.
2. The library reserves the right to refuse requests that, in its judgment, exceed the reasonable limits of fair use.
3. Electronic reserves are not to be used as a replacement for coursepacks. Staff will refer faculty to the campus bookstore which provides print and e-coursepacks through internet services as Xanedu and Academic Pub. These services can also directly assist faculty with creating copyright cleared digital course packs, with the understanding that students will pay for them as they pay for texts.

4. Access to electronic reserve materials will be limited by password protection to students taking the course for which the material is designated. The library will not supply students with electronic reserve passwords; only instructors may do so.

5. A copyright notice will appear onscreen in the electronic reserves system. Appropriate citations or attributions to their sources will be included for all electronic files.

6. The charge for copies made by students on library copiers or printers will be the same as for all other library photocopying and printing.

7. At the end of each semester all electronic reserves will be archived and made inaccessible. If instructors wish to reuse materials within two years from their last use, they must submit reserve requests. After two years of inactivity, materials will be purged from the electronic reserves database.

Revised October 17, 2012