

Marylhurst University Copyright Policy

Purpose of Policy

Marylhurst University and Shoen Library are invested in understanding and adhering to US Copyright Law for the following reasons:

- Copyright law honors the work of creators by ensuring that they are paid for the work that they have done.
- By acting ethically and in accordance with the Copyright Laws we create a culture of further collaboration and creation which supports our academic mission.
- We seek to create a culture in academia that will inspire others to use our works ethically.

The purpose of this policy is to support Marylhurst University students, staff, and faculty in their daily work, which often requires using the intellectual property of others. This policy is intended to supply members of the Marylhurst Community with an overview of their rights and responsibilities as they relate to the use and dissemination of copyrighted materials in light of [The Copyright Act of 1976, Title 17 US Code](#), and amendments thereto.

Statement of Policy

In order to respect the intellectual property rights of the authors of creative works, Marylhurst University expects faculty, students, and staff to act responsibly in the use of copyrighted materials. The following are the rights and responsibilities, as related to copyrighted materials, of the Marylhurst Community.

Faculty and Staff Rights and Responsibilities

Faculty members and non-faculty employees at Marylhurst University participate in both the creation and use of copyrighted materials. The following are their rights and responsibilities.

Faculty Authorship Rights

For the most part, each individual faculty member is the rights holder to any copyrighted material he or she creates. This includes but is not limited to, textbooks, articles, works of nonfiction and novels, poems, visual works of art, and musical compositions. Copyright protection is extended to any work as soon as it is fixed in some tangible form, however, a court will not hear an infringement case unless the faculty member has registered her work with the [US Copyright Office](#).

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Rights Asserted by Marylhurst University

Some materials, although created by a faculty member or Marylhurst University employee, may be considered the intellectual property of Marylhurst University. Marylhurst University asserts copyright ownership in any work of authorship that is: (i) created with the substantial use of Marylhurst University resources, financial support or non-faculty Marylhurst University personnel beyond the level of common resources provided to the faculty; and (ii) created or commissioned for use or distribution by Marylhurst University. Additionally, any work created by a non-faculty employee acting within the scope of his or her employment is generally considered to be a "work made for hire" and therefore also owned by Marylhurst University.

Using Protected Works in the Classroom

Faculty members are encouraged to use any material that will support student learning. However, faculty members must be aware of and comply with US Copyright Law and the University's Copyright Policy in the use of all classroom materials. Please review the Fair Use Factors (see appendix) and apply them to any materials that you copy for distribution in your class.

Student Rights and Responsibilities

Copyright Protection for Works Created by Students

Students own the copyrights to their own works, including papers and projects created for the purpose of completing classes at Marylhurst University. Students have the exclusive rights to reproduction and distribution of these works. Without the student's permission his or her work should never be distributed in any form. By enrolling and participating in a course students are agreeing to the distribution of work to instructors and fellow students in the course. However, distribution of the student's work outside of the class or to future classes requires the written permission of the student.

Copyrights in Student/Faculty Collaborations

Students and faculty members may from time to time collaborate on projects that result in copyrightable works. Students working in collaboration with faculty members and with Marylhurst University academic employees may be granted the same rights of copyright ownership as other academic employees working collaboratively on the project. To avoid confusion, Marylhurst University encourages students and academic employees to clearly delineate such rights in writing at the outset of the collaboration.

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There may also be situations where Marylhurst University or a Marylhurst University academic employee hires and pays a student to perform specific tasks contributing to a copyrightable work. In such cases, the student will ordinarily have no ownership rights in the project and the party who owns the copyright over the rest of the work will ordinarily retain copyright ownership over the portion contributed by the student.

Copying Protected Material

As a student you have the right to make one copy of a copyrighted work for personal use. You may not distribute that copy to another person and you may not sell that copy. You may not make illegal copies of protected materials- meaning that you may not break the encryption on a protected material to copy it. Any copies that you make may not damage the original material that you are copying.

Library Rights and Responsibilities

Shoen Library is a center for information and education at Marylhurst University. The library is a place to find course readings, develop courses, gain insight into conducting research, and celebrate intellectual freedom. Because of the many services that we offer surrounding copyrighted materials the library acts as the center of copyright knowledge on campus, in this capacity there are several ways that we support faculty and students in the use of copyrighted materials.

Lending Materials

Shoen Library purchases and shares copyrighted materials by adhering to US Copyright Law and the right of first use. By purchasing materials that are copyrighted we ensure that we can share them with our constituents. The library assumes that all materials accessed through the library are used ethically and legally.

Interpreting Copyright Law

Librarians at Shoen Library are knowledgeable in US Copyright Law and are able to assist the Marylhurst Community in the use of copyrighted materials. However, librarians at Shoen Library are not lawyers. While we can help you decipher the different merits of the use of copyrighted materials we cannot give you legal advice.

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Course Reserves

The library places articles and movies on reserve for use by students and faculty. In some instances the library must obtain permission from rights holders to place materials on reserve. In such cases the library will purchase the rights whenever possible. The following is the library's policy on placing materials on electronic reserve:

- Library staff will gain permission to place journal articles and book chapters on reserve for instructors. The library has the right to refuse materials for reserve if gaining copyright permission for the materials is cost prohibitive or if permission is not granted.
- Shoen Library is a place to provide reserve access for a few articles during the term. Instructors who want students to have access to many articles will need to have course packs made for the course. Course packs are handled by individual departments and the Marylhurst Bookstore. Shoen Library will not place course packs on reserve.
- In general placing materials on electronic reserve is more expensive than physical reserve. For this reason, Shoen Library will not put materials on electronic reserve for classes that meet in person. Electronic reserves are not a substitute for the purchase of textbooks or course packs.

Education about Copyright

Occasionally the library will lead campus wide education and discussion about copyright law and its impact. The library will also maintain information about copyright which librarians will use to educate instructors, staff, and students about copyright.

Enforcement

Members of the University Community are expected to act in a way that supports the ethical and legal use of copyrighted material. The intentional infringement of a copyrighted work is cause for disciplinary action up to and including termination of employment or expulsion from the University.

Review of Policy

This policy will be reviewed as needed by the Library Director. When changes are made the policy will be referred to the Provost and when necessary University Counsel.

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