

**2007-2008 ANNUAL REPORT OF
THE UNIVERSITY COMMITTEE ON COPYRIGHT
TO THE FACULTY COUNCIL**

March 28, 2008

Members: Tyler Curtain (2010), Robert S. Dalton (2009), Leah McGinnis Dunn (chair) (2010), Deborah Gerhardt (2009), Cathy Innes, (2010), Sarah Michalak (2008), , Virginia Neelon (2009), Michael Votta (2008)

Ex officio: William Fletcher Fairey, Sian Hunter, Sallie Wright

Charge: The committee represents to the chancellor and the University community the concerns of faculty and other users and creators of scholarly information. The committee's functions include:

- 1) monitoring trends in such areas as institutional or consortial copyright use policies, changes in copyright ownership models, and guidelines for fair use of information in all formats;
- 2) identifying areas in which policy development is needed and recommending to the chancellor new or revised institutional policies and guidelines;
- 3) cooperating with the administration to propose and monitor the application of University policies and guidelines regarding ownership and use of copyrighted or licensed scholarly works; and
- 4) assisting in identifying educational needs of the faculty and others related to compliance with copyright policies and guidelines, and advising on appropriate ways to address those needs.

Membership:

Two members' terms will expire this year: Sarah Michalak and Michael Votta.

Meeting Dates for 2007-2008:

- Sept. 14: 11am - 12:30pm
- Oct. 11: 1pm - 2:30pm
- Dec 14: 11am - 12:30pm

- Feb. 8: 11am - 12:30pm
- Mar. 14: 11am - 12:30pm
- Apr. 21: 1pm - 2:30 pm

Previous Faculty Council questions or charges: None.

2007-2008 Activities:

The committee undertook four main issues during this year. They were:

- **Further clarification of new commercialization policy**

Revisions to the copyright policy regarding the commercialization of works were approved by Faculty Council at its March 23, 2007 meeting.

The language was modified to provide better clarification in two areas. The clarifications were:

- Centers and institutes may want copyright ownership to remain with the institute or center, and not the principal investigator or author, to remain in keeping with their current practices.
- SPA employees cannot legally maintain a share of the royalties under state law. With royalties now being shared by the creators (as established by our change to the policy), the policy needed to more clearly state that royalty-sharing with creators applies to EPA employees only.

A memo was sent to the Provost, and will be later sent to the Chancellor, to provide the final approval. Upon approval by the Chancellor, the changes are publicly posted on the committee's website.

- **Copyright statement for Blackboard**

Blackboard administrators approached the committee to help draft language to post on the Blackboard website regarding the posting of copyrighted works on Blackboard. The following statement was written by the committee and posted on the UNC Blackboard site:

All copyrighted works posted and used on Blackboard are subject to U.S. copyright law. Copyright law and Fair Use Guidelines allow faculty to provide access to copyrighted materials using the Blackboard system, *as long as the instructor conducts a fair use analysis* < <http://www.lib.unc.edu/copyright/#3> > that supports the use. For assistance in

conducting a fair use analysis, contact the Chair of the Copyright Committee, Leah Dunn (leahm@email.unc.edu).

If a fair use analysis does not support the use, either permission of the rightsholder should be sought or an alternative should be considered. No centralized university funds are available to pay for permission fees. Some alternatives to consider are:

- Consult with your department to see if funds are available for classroom permission fees.
- Link directly to resources available in the University Library's many electronic databases. Linkguide<<http://www.lib.unc.edu/reserves/linkguide/>>provides instructions on how to create persistent links to many of the library's electronic resources.
- Instructors may also consider the use of the University Library's E-reserves<<http://www.lib.unc.edu/reserves>> or Health Sciences Library E-reserves <<http://eres.hsl.unc.edu/ereserves/home.htm>>. The library absorbs permission fee costs for material put on e-reserve.
- Substitute material that is not subject to copyright.

For more information about fair use and obtaining permission, visit the University Committee on copyright's web page <<http://www.lib.unc.edu/copyright/>>. Questions may be addressed to the Chair of the Copyright Committee, Leah Dunn <<mailto:leahm@email.unc.edu>>.

- **Research into Scholarly Communications position of peer institutions**

In order to keep abreast of trends among peer institutions in how copyright issues are administered, how policies are managed, and outreach achieved, the committee looked at copyright management practices at twenty-five peer institutions. The committee found that ten institutions have approved a copyright office or copyright director position. Four of these offices are less than two years old, showing that a university office dedicated solely to copyright is a fairly recent development among peer academic institutions. At UNC, Copyright and Scholarly Communication are jointly administered by the Office of Legal Counsel and the Library's Director of Scholarly Communication and Copyright.

- **Design of Copyright Tutorial**

To assist in the educational needs of faculty relating to the use of copyrighted works on Blackboard, the committee began the development of a copyright and fair use tutorial that we will make available on the Blackboard website. The goal is to have the tutorial complete and available on Blackboard's website by the beginning of the Fall 2009 semester.

Topics that the committee plans to address in 2008-2009 are:

- 1) Education regarding NIH guidelines for public access,
- 2) Publicity of new commercialization policy,
- 3) Outreach relating to Blackboard copyright and fair use tutorial,
- 3) Monitor copyright violation notices that students receive relating to peer-to-peer sharing and illegal downloading, working with the new Vice Chancellor for Information Security.

Submitted by:

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