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MISERICORDIA UNIVERSITY

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Policy Steward	James Sabulski: Director of Printing and Mailing Services
Area	Printing Services

2.7 Copyright and Fair Use

COPY

1. *Policy*

Photocopying, posting, reproducing and/or using copyrighted works raises important legal issues. It is the policy of Misericordia University and its institutions to follow the requirements of the United States Copyright Act of 1976 and its later amendments, and all University faculty, staff, students, and guests must conduct themselves accordingly. Because a copyright notice is not required for copyright protection of works published on or after March 1, 1989, works of authorship shall be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain. Distributing photocopies, distributing recordings, posting copyrighted works online, or otherwise electronically distributing copyrighted works without obtaining permission may violate the rights of the author, and is directly contrary to the University's mission to teach respect for ideas and the intellectual property that expresses those ideas. Moreover, infringement can result in an award of money damages against the infringing party.

Copyrighted materials may be copied or otherwise used without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act. It is the obligation of all faculty, staff, and students utilizing copyrighted materials to determine whether the use of that copyrighted material would violate any copyright held by the author(s), or whether it falls within the "fair use" exception to copyright law. In addition, each faculty, staff, or student is responsible for indemnifying, defending, and holding the University harmless from and against any losses, liabilities, damages, and all related costs and expenses incurred in connection with any action or proceeding threatened or brought against the University to the extent such action or proceeding is based on a claim that the faculty, staff, or student's reproduction and/or use of any software, work, documentation, and/or material infringes a United States or foreign copyright.

2. *Process*

The University, through the Printing & Mailing Services Department or the Mary Kintz Bevevino Library, can assist faculty, staff, or students in determining the need for copyright permission and, where

necessary, can assist them in obtaining any such necessary permissions. Faculty, staff, or students wishing to utilize these services should allow an adequate amount of time for securing proper copyright permission, as each request requires a careful checking of the status of the copyright, determination of exact materials to be duplicated and assignment of author's royalties, if fees are involved.

3. *Violations*

Suspected misuse of copyrighted materials may result in a University investigation with or without notice, suspension of network or other account access, and/or disciplinary sanctions.

Attachments

Appendix 2.7.1.4.1 Request for Permission to Make Copies for Instructional Use

Approval Signatures

Step Description	Approver	Date

COPY