eReserves Faculty Agreement

Name: ___________________ Date: ___________________

This document informs the faculty of responsibilities related to use of eReserves. Instructors are reminded that using the intellectual property of others is governed by copyright law which also provides educators with fair use exemptions.

The Jacobs Library staff will maintain and provide access to materials based on an instructor’s fair use analysis. Fair use is determined by looking at four factors, as described below.

Factor 1: Purpose and Character of use
- Reserve materials are for educational purposes in an IVCC credit course. The use of materials is important to achieving teaching objectives.
- Reserve materials are for the purpose of scholarship or criticism, news reporting, or parody.
- The use may be transformative, changing the original purpose.
- The materials are not being used for commercial purposes or entertainment.

Factor 2: Nature of Copyrighted Work
- The work is published, versus unpublished.
- The use is more likely to be fair use with factual information (statistics, facts, etc) than for creative works (fiction, films, plays, etc).
- The material is not, by design, instructional content. Instructional content is designed to be licensed to, or purchased by, a college or student. Examples might include telecourse videos or workbook chapters.

Factor 3: Amount and Substantiality of Portion Used
- The materials represent a small portion of the entire work (for books, no more than 10% of a work not divided into chapters or having less than 10 chapters, no more than 1 of a 10 or more chapter work).
- The portion used is not the “heart of the work.”
- The portion used does not exceed that necessary to fulfill the purpose of its use.

Factor 4: Effect on Market for Original
- Jacobs Library or the instructor owns a legally acquired copy of the original.
- A digital version is not available in the library’s collection.
- There is no readily available license option offered at a reasonable price. The Learning Technologies Department can assist in determining availability.
- Use of the material will generate interest in the whole work, potentially stimulating the market.
- Use of the material is not intended to replace the sale of the copyrighted work.

By signing this document the instructor acknowledges responsibilities and assures consideration of the fair use factors for all materials placed on electronic reserve.

Signature: ___________________