

## **Report of the Task Force on Copyright, Reserves, and Coursepacks April 4, 2011**

### ***The Charge***

In the spring of 2010 the Committee of Six created a task force to examine and evaluate current policies affecting and affected by copyright law, course reserves and coursepacks. Its charge was as follows:

The Committee of Six, based on the recommendation of the Committee on Priorities and Resources (CPR) in its spring 2010 report, charges the Copyright, Reserves, and Coursepack Task Force with making recommendations of College policies and procedures regarding the use of works covered by copyrights, and the assignation of relevant fees (between the College and students). The task force should review and assess costs associated with copyright permissions (both in hard copy and electronic form) and with the duplication of course-related materials, while simultaneously addressing the pedagogical requirements of the Faculty. Any recommendations should be informed by options for interpreting Fair Use. The Committee additionally charges the task force with examining best practices at other institutions.

### ***Background***

#### *Copyright Permissions and Fair Use: The Law<sup>1</sup>*

The author or publisher of a given work often holds the copyright to that work. Those who wish to duplicate or modify copyrighted work must seek the author's or publisher's permission. Most publishers charge a fee in exchange for granting such permission.

Works published before 1923 have entered the "public domain" and are no longer subject to copyright protection in the United States. As a result, these works may be freely duplicated.

Some works published after 1923 also do not enjoy copyright protection. A complex series of statutory provisions governs the status of these works.<sup>2</sup>

The Copyright Act (17 U.S.C. §101 et seq.) provides several exceptions that obviate the need to seek the copyright holder's permission before reproducing work still under copyright protection. One such exception is Section 107 of the Copyright Act (17 U.S.C. §107), commonly referred to as the "Fair Use" exception. (See Appendix H for the text of Section 107.) Because Section 107 outlines "factors to be considered" rather than clear rules for determining what constitutes Fair Use, institutions of higher learning across the nation have, over time, interpreted Fair Use in quite different ways.<sup>3</sup> And given the absence of clear guidelines, such interpretation

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<sup>1</sup> A good summary of copyright issues for college faculty is *Know Your Copy Rights: Using Works in Your Teaching—What You Can Do; Tips for Faculty & Teaching Assistants in Higher Education* (Association of Research Libraries, 2007), <http://www.knowyourcopyrights.org/bm~doc/kycrbrochurebw.pdf>.

<sup>2</sup> For a summary see *Copyright Term and the Public Domain in the United States* <http://copyright.cornell.edu/resources/publicdomain.cfm>

<sup>3</sup> Various commentators feel copyright laws should be more limited and fair use more broadly interpreted. See, for example, Lawrence Lessig, "Does Copyright Have Limits? *Eldred v. Ashcroft* and its Aftermath"

has sometimes been influenced by the need to balance the cost of obtaining permission against the risk and potential liability for not obtaining such permission.<sup>4</sup>

### *Source of Costs – A Short History*

As at our peer institutions, faculty at Amherst have long placed texts and other materials on reserve in campus libraries, while simultaneously gathering copies of required readings into multiliths or coursepacks for sale to students. When Academic Department Coordinators (ADCs), librarians, or faculty members (depending on departmental custom) determined that Fair Use or some other exception did not apply to assigned readings (that is, when they decided it was necessary to seek permission from the author or publisher), the Office of the Dean of the Faculty paid the permission fees demanded by the authors or publishers. In other words, although students absorbed the cost of copying and binding pages in coursepacks, the Office of the Dean of the Faculty covered fees charged for the right to include that material in coursepacks.<sup>5</sup>

ADCs who assembled coursepacks increasingly and carefully applied for copyright permissions. Indeed, applying for copyright permissions began to constitute a significant part of ADCs' jobs as more responsibility shifted to them from faculty members and from Library staff.<sup>6</sup> Over twenty years (see Appendix A), the aggregate cost of copyright fees rose, especially as the College continued to be conscientious in seeking copyright permissions and conservative in its interpretation of Fair Use. The result was that Amherst filed more requests for copyright permissions than did many of its peer institutions. Our copyright costs almost certainly rose higher than those of our peers, as did the time and labor we invested applying for copyright permissions.

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in *Open Content Licensing: Cultivating the Creative Commons* (Brian Fitzgerald ed., Sydney University Press, 2007). However, what constitutes "fair use" continues to be litigated. For example, Cambridge University Press, Oxford University Press, Inc. and Sage Publications, Inc. have brought a copyright infringement lawsuit against officials associated with Georgia State University in the United States District Court, Northern District of Georgia, for providing students access to copyrighted materials through electronic systems and the internet without obtaining permission from the copyright owner. This case was filed in 2008 and may go to trial later this year. See also, *Basic Books v. Kinko's Graphics Corp.*, 758 F. Supp. 1522 (S.D. N.Y. 1991) and *Princeton University Press v. Michigan Document Services, Inc.*, 99 F. 3d 1381 (6th Cir. 1996).

<sup>4</sup>In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. However, statutory damages will not be assessed against a college employee who is found to have reasonably believed that his or her use of the copyrighted work was fair use under Section 107 of the Copyright Act. See Section 504 of the Copyright Act.

<sup>5</sup> The costs of labor required to *gather* material into coursepacks—be it the labor of faculty members, librarians, or ADCs—was not included in the price of coursepacks. The cost for duplication, whether on-campus through the Office of Administrative Services (OAS) or off-campus through commercial services, *was* included in coursepacks. The duplication cost per page charged by OAS has not changed since 1986.

<sup>6</sup> Since the 1980s ADCs have sought copyright permissions largely through the Copyright Clearing Center, an online resource for paying permission fees. They also seek permissions by contacting publishers and authors directly, a very time-consuming process. (The Comptroller's Office helped establish a system to receive bills directly from the copyright holders and licensors.) The Library has historically employed too few staff to request copyright permissions for all readings assigned by faculty. When off-campus copy centers such as Collective Copies assembled and sold coursepacks, they sought permissions for a fee and then billed the Dean of Faculty.

In the past decade, Amherst continued to pay more and more for permission to use material not covered by licenses. (See Appendix A.) From 2002-2004 the Office of the Dean of the Faculty paid in the low \$200,000s each year. By 2005, the annual bill reached \$298,000. And by 2008 the Dean paid almost \$400,000 for one year's worth of copyright permissions. Our study lacks the scope to investigate the cause of this abrupt rise. We can only hypothesize about the factors involved, which may include higher copyright fees, more pages assigned to students, and more students in more classes with readings requiring copyright permissions.

As costs for printed coursepacks grew, it became more desirable and easier to link to materials online, which involved creating "electronic reserves" or "e-reserves." Hence the Library began to purchase more licenses for online texts and other materials. These licenses removed the need to file repeated requests for permission to reproduce individual items now covered by licenses. However, some departments may not have been aware of licenses that covered some of their course materials, resulting in the duplication of payments of copyright fees.

For items not available online, ADCs and Library staff began to scan printed documents and then upload these files as PDFs into the e-reserves system. The Office of the Dean of the Faculty paid copyright permissions for this uploaded material where necessary.

Since the licenses covered many of the readings required by science courses, departments in the sciences moved to electronic reserves more quickly and avidly than did some other departments. A study in the Fall of 2010 found that 74% of readings assigned in Amherst science courses were available online, while only 35% of humanities and 39% of social science readings were available online. (See Appendix I.) Thus coursepacks fell into disuse within the sciences, while remaining popular within large portions of the humanities and social sciences.

#### *Re-examining Principles and Practices after 2008*

Following the economic downturn of 2008, staff in the Office of the Dean of the Faculty began to meet with librarians and ADCs to discuss the costs and complexity of copyright permissions, while also making faculty members better aware of costs. Librarians realized significant savings by purchasing more licenses and expanding awareness of existing licenses; they and ADCs tried harder to find electronic versions of texts available through existing licenses. Linking to material covered by these licenses proved cheaper than producing printed coursepacks, since licenses for some of our online databases forbid including materials from those databases in coursepacks.<sup>7</sup>

Still, it became clear that the Office of the Dean of the Faculty's subsidy of permission fees needed a second look, and not simply because of rising costs. One unintended outcome of the ballooning subsidy was that the College increasingly and disproportionately subsidized the small number of departments that relied heavily on coursepacks, but it did not subsidize other departments that relied heavily on expensive textbooks and other materials.<sup>8</sup> A survey we

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<sup>7</sup> In effect, the College often pays twice for material in printed coursepacks—once for the license and once for permission to print the text in hard copy; the College does not incur fees beyond the original license for e-reserve material that students choose to read online or to print for themselves in hard copy. Hence a number of faculty members agreed to use electronic reserves to avoid double billing.

<sup>8</sup> The largest beneficiaries of these subsidies were the Departments of Political Science, Anthropology/Sociology, and History, which, in FY08, spent, respectively, \$103,344.36, \$62,948.15 and \$57,966.67 (out of a total for all departments of \$399,635.35). Please see Appendix D for a breakdown of costs in one of these departments—Anthropology and Sociology.

conducted for this report found that students at many peer institutions (unlike students at Amherst) paid for copyright permissions, much as they paid for textbooks and other course materials. In other words, the costs of course materials fell more equally across various courses and majors at other schools. (See Appendix B and Appendix C).<sup>9</sup>

Thus, in June 2009, the Office of the Dean of the Faculty proposed to the Advisory Budget Committee that students pay the full costs of coursepacks, while providing additional aid to needy students and to those required to purchase materials costing more than \$1,000. (\$1,000 is the amount the College asks students and their families to budget annually for books and other materials.) The Dean of Faculty also agreed to subsidize, for the near term, coursepacks costing more than \$125.

The result: with much effort the College achieved significant savings.

Faculty, ADCs, and librarians also worked hard to reduce costs to students. In November 2009, the Library purchased an omnibus license from the Copyright Clearance Center (CCC), covering many more publishers than were covered by existing individual licenses. This omnibus license yielded immediate savings for students and for the Office of the Dean of the Faculty. And the CCC pledged to bring under its umbrella additional publishers that academic departments identify as important producers of literature used in their courses. Some faculty members agreed to try electronic reserves to minimize the costs of assigned readings; other faculty members who still valued coursepacks helped save money by reviewing their syllabi to ensure that all listed readings would, indeed, be covered in the course. Despite being short-handed, Library staff made a concerted effort to scan, upload, and catalog documents for faculty choosing to use e-reserves.

These efforts produced some efficiencies. For example, ADCs discovered that a PDF file scanned and uploaded for one course now resided in a database accessible to other ADCs and Library staff who could use that same file for another class without any additional time, effort, or expense. Unfortunately, the quality of the scanned materials varied considerably: most were of excellent quality, but others (due to poor equipment, improper settings, or poor training of those using the equipment) were difficult to read.

Consequently, staff in Frost and IT sought ways to make reading critically online an experience comparable to reading in hard-copy format. IT identified software that allowed students and faculty to read electronic texts much as they read texts printed on paper. ADCs and Library staff began to enable optical character recognition on scanned texts, thus permitting students and faculty to search for text within readings. IT also recommended mark-up tools that students could use on PCs, laptops, and iPads to underline, circle, notate, and bookmark electronic texts, and then bring the items to class on electronic devices or print the items to paper with all annotations. (See Appendix G.)

Such efforts produced cost savings in the aggregate, but change often proved cumbersome. Change also generated concerns and complaints. Yet, to the task force's surprise, nearly two-thirds of respondents (56 faculty members) to our faculty survey reported that they now use e-reserves. (21 of these faculty members also use coursepacks.) Only one-tenth of the respondents (9 faculty members) now rely solely upon coursepacks. (See Appendix F.)

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<sup>9</sup> Out of the 30 Oberlin Group Colleges surveyed, students paid copyright fees at 11 institutions, the library paid fees at 5, departments at 5, students plus other entities at 1, and the administration at 1.

Still, not all of those who used e-reserves were content. Our task force originated in part to address these remaining problems and concerns.

### ***Work of the Task Force***

To evaluate Amherst's system of reserves, coursepacks, copyright practices, and permissions, the task force gathered facts and solicited views from a wide swath of the Amherst community and from those outside our community. We met with faculty, students, ADCs, and staff from the Office of Administrative Services, Information Technology, and the Library. We sent questionnaires to all Amherst faculty members (see Appendix F); we surveyed two groups of peer institutions (see Appendix B and Appendix C); and we invited two lawyers recognized as national experts in copyright law and higher education—Georgia Harper, Scholarly Communications Advisor at the University of Texas; and Kenneth Crews, Director of Columbia University's Copyright Advisory Office—to speak with us and the Five-College community.

### ***Concerns about the Status Quo***

#### *Complexity and Expense of Obtaining Copyright Permissions and Mounting E-reserves*

Some ADCs, Library staff members, and faculty members spend large amounts of time seeking permissions to reproduce texts and other materials. Completing CCC forms takes some time; applying for permissions to use material not covered by licenses takes a great deal of time.

Some Library staff members and ADCs devote considerable portions of their workday before the start of each semester scanning and uploading texts into the e-reserves system. Such work is particularly frenetic as classes approach, when an avalanche of requests from faculty tends to overwhelm a modestly staffed department. Even when ADCs scan files, Library staff must still determine whether the College can link to texts or other media licensed through the College or available without charge on the Internet. Library staff sometimes find it difficult to obtain syllabi from faculty in time to identify, scan, and upload the files listed on the syllabi before the semester begins. Of course faculty face pressures of their own when a new semester approaches. Library staff who process electronic reserves report that—even when syllabi do arrive on time—they must spend 20% to 50% of their time searching for material referenced by inaccurate or incomplete citations.

We heard praise from faculty about the system once the files are up and available, although some expressed concerns about the quality of scanned material.

#### *Expense and Convenience: Students*

Amherst students are not yet accustomed to the greater expense of coursepacks, despite Amherst's efforts, described above, to subsidize or cover such expense.<sup>10</sup> Despite coursepacks' considerable value—they offer carefully selected texts, packaged in an easily readable and easily transportable form, which both faculty and students consider convenient, uncomplicated, and reliable—the sticker shock remains great. Such shock might be ameliorated if Amherst could spread copyright expenses more evenly across the student body. This would be difficult, however, since, in the interests of equity, the College would then need to include copyright expenses and the costs of all textbooks and other course materials within the tuition fee. Our community is

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<sup>10</sup>[https://www.amherst.edu/media/view/201844/original/Notes\\_Concerning\\_2010-11.pdf](https://www.amherst.edu/media/view/201844/original/Notes_Concerning_2010-11.pdf)

probably unwilling to countenance such an expense, and we would be alone among our peers if we attempted this practice. We hope the student body will come to accept the price of coursepacks, especially after students accustomed to the old system graduate. But for now, coursepacks strike students as expensive, especially in comparison to published books.

Amherst students' attitudes towards e-reserves are complex. Our informal survey indicates that they appreciate the ease of reading coursepacks, marking them up, and carrying all relevant material in one bound volume—but only if the coursepacks do not cost significantly more than e-reserves. Of the forty-seven students we questioned, only three preferred a hypothetical coursepack to e-reserves if that coursepack cost \$30 more than its electronic equivalent. (See Appendix E.)

Most students whose professors require them to bring hard copies of e-reserves to class print the necessary copies in campus computer labs, where printing costs are identical to duplicating costs in OAS, and cheaper than duplicating costs at Collective Copies.

#### *E-reserves: Pedagogy*

At Amherst, we pride ourselves on our culture of close reading, close looking, and close listening. Moving to electronic course materials instead of printed coursepacks—a move undertaken at many of our peer institutions—feels uncomfortable to many of our faculty and students. Many of us believe that students do not read electronic texts as closely as they read hard copies, and many of us believe that students do not focus as attentively on class discussions when laptops sit in front of them. Indeed, two-fifths of the respondents to our faculty survey (less than half, but still a significant percentage) reported observing positive differences in the quality of students' learning when students worked with print rather than electronic material. (See Appendix F.)

Also, some respondents are wary of allowing laptops and other devices for reading electronic texts into the classroom. Half report that laptops act as a barrier in class, inhibiting discussion. The same percentage believes that students' tendency to use laptops for activities other than coursework (email, surfing the web, etc.) diverts their attention from the task at hand.

One faculty member wrote:

Discussion classes are a place for students to carry on a face-to-face conversation. I don't want computers to be used. They take away from the conversation. Students will read email, get on the Internet. People don't feel present.

Some faculty shared strategies for dealing with such temptations:

I've never run into significant problems with students doing other stuff on their laptops during class time. If I think a student is checking email or surfing, I just go stand behind the person and lead the class from there. On the other hand, if I did begin to have concerns about inappropriate use of laptops in class, I would have no problem with banning them entirely from my class. I regard student use of laptops in class as a privilege and not a right. This would mean that students would be forced to print out material on [e-reserves], although as I mentioned before, I find that most students do that anyway.

Another faculty member wrote:

Our students arrive with varied relationships to technology. Some students have developed remarkable ways of integrating technology into their learning process. I'd feel uncomfortable restricting the use of laptops for these students in hopes of modifying the behavior of less focused students. Having said that, when students use laptops in my courses, I make it very clear that they are not allowed to check email, surf the web (on non-course related topics), etc.

But not all faculty members endorse this approach or feel comfortable monitoring students in class.

We understand the significant value of printed and bound coursepacks for many of our colleagues, especially for those in the humanities and social sciences. We also believe that e-reserves will gradually supplant coursepacks at Amherst, just as they have at other institutions.<sup>11</sup> Such change will take time; that is, it may not be complete until the quality of scanned material increases and until devices such as the iPad for reading electronic material are ubiquitous.

But while such change may be gradual, we believe that pedagogical and financial considerations make it inevitable.

Consider, for example, that a student with a printed coursepack can read its texts in only one way: on the page, as printed, when that coursepack is present. A student with an electronic text, however, may read that text in many different ways: on a device for the visually impaired, on a PC or a Mac, on a tablet such as an iPad or Kindle, on a projection screen in a study room or a classroom, and, someday, on devices yet to be invented. Electronic images never deteriorate when making copies from copies. Legibility does suffer, however, when making print copies from print copies.

When thinking about cost, it is important to remember that it costs no more to print a page on a computer-lab printer than it does to print a page for a coursepack. In other words, those who want print copies can always create them from electronic copies. And electronic copies save time for staff who create and manage course readings. ADCs and Library staff need never rescan items placed on e-reserves; once scanned and uploaded, e-reserve readings exist from semester to semester. When the mix of readings for a given course changes from semester to semester, it is easier to scan and upload new items for the revised course than it is to revise and reassemble a coursepack for the revised course. E-reserves do not require—as do coursepacks—printing, collating, and binding, tasks that consume significant time and money.

We remain acutely aware that faculty members possess a variety of understandings about how the close-reading culture of Amherst relates or does not relate to technologies available for

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<sup>11</sup>From one of our surveys we learned that most institutions post a “majority,” an “extensive” amount, “almost all” or “all” reserves online. However, other colleges we consider close peers have not changed their practices as significantly. Faculty members at Williams use print copies to a great extent. Roughly half the faculty at Swarthmore may still use print copies. And coursepacks still contain the majority of readings for classes at Smith. Among the 30 Oberlin Group colleges surveyed (see Appendix B), 1 institution uses coursepacks more frequently than e-reserves, 6 use coursepacks sometimes, 7 use them very occasionally, and 6 never use them. 7 responding institutions had insufficient data to respond. One institution does not offer e-reserves but it is willing to assemble coursepacks.

reading texts in electronic forms. The College should devote resources to address concerns related to these technologies.

### *Recommendations*

#### **Recommendation #1:**

To save time and labor, the Library should make reasonable efforts to enter into licensing agreements with publishers, either directly or through CCC, for course materials that are neither in the public domain nor made available by their copyright holders on the Internet. The goal: to reduce costs for course materials and to reduce the time spent on item-by-item copyright approvals.

1. Amherst should continue its annual license with the CCC.
2. In order to increase the number of licenses the College owns, library staff should survey the reading lists for a statistically significant number of randomly selected courses offered during the 2009-2010 and the 2010-2011 academic years to determine which readings or other materials were not (a) covered by existing licenses, (b) in the public domain or (c) made available by their owners on the Internet.
3. Library staff should work with the CCC to include within the Annual License those publishers whose surveyed readings were not (a) covered by existing licenses, (b) in the public domain or (c) made available by their copyright holders on the Internet. Library staff should consider entering into subscription licenses with publishers not covered by the CCC Annual License.
4. By October 1, 2011, Library staff should report to the Copyright Task Force the results of these surveys and of their licensing efforts so that the Task Force can make additional recommendations, if appropriate, regarding the College's copyright policies and practices.
5. The Task Force should issue a supplemental report to the Committee of Six by February 1, 2012.

#### **Recommendation #2:**

The College should continue to encourage faculty and students to use electronic reserves.

1. The Library should receive more staff assistance, especially during peak demand times, to make the e-reserve process swifter and better.
2. ADCs and Library staff should receive more resources as needed (a) to produce excellent-quality, scanned texts and (b) to compare scanned items with citations on the syllabus to control for errors.
3. The number of printers in the computer lab in Frost and elsewhere on campus should be increased as necessary to ensure adequate printing capacity for students who need or want hard copies of the texts.



### **Recommendation #3**

The College should provide adequate resources to support student and faculty expertise in marking up texts and in other electronic manipulation of digital media.

1. The College should give more support to IT (a) to continue ongoing investigations of software and (b) to support faculty and students' familiarity with the best resources.
2. The Library and IT should sponsor sessions on e-reserves and electronic reading devices.
3. The Dean of Faculty and the Dean of Students should sponsor IT-led workshops for faculty and students, which demonstrate the possibilities of close reading and the marking-up of electronic texts and other media.
4. An intensive effort should be made toward this end in First Year Seminars; the new workshop format for faculty teaching First Year Seminars might provide an opportunity to educate instructors *en masse*.
5. The College should follow the example of Reed College<sup>12</sup> and create pilot groups using iPads or similar tablets to read and mark-up electronic texts. Such groups should explore the difference between laptops and tablets for small discussion classes and assess the pedagogical results.

### **Recommendation #4**

The College should make a concerted effort to educate faculty and students about copyright and to help faculty make Fair Use determinations. It should then encourage faculty to examine their course materials more critically and to determine which materials merit the Fair Use exception.<sup>13</sup>

1. The Library should sponsor educational sessions on copyright and Fair Use for faculty members.
2. The College should continue to seek ways to help all constituencies make Fair Use determinations, including the adoption of new guidelines.

### **Recommendation #5**

The College should continue to explore ways of increasing the accuracy, efficiency and quality of e-reserves.

1. ADCs and Library staff should participate in a workshop on best practices in scanning.
2. ADCs and faculty should communicate with Library staff about earlier, inadequate scans. Together ADCs and Library staff, over the course of the year, should determine who will begin to re-scan chapters and articles directly from books that have been unsearchable or are inadequately scanned and begin this project to have high quality e-reserves. (See recommendation #2, sub-items 1 and 2 above.)
3. At least three weeks before classes begin, the faculty should provide ADCs and/or Library staff with course syllabi.
4. Faculty should provide ADCs and Library staff with full and accurate citations or the items themselves.

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<sup>12</sup>See Trina Marmarelli and Martin Ringle, *The Reed College iPad Study* (Portland: Reed Institute, 2011), [http://web.reed.edu/cis/about/ipad\\_pilot/Reed\\_ipad\\_report.pdf](http://web.reed.edu/cis/about/ipad_pilot/Reed_ipad_report.pdf), which reports high satisfaction among students reading their course materials on iPads.

<sup>13</sup> Here we note that about three-fourths of respondents to the faculty survey either "strongly agreed" (14%) or "agreed" (58%) that it is a faculty members' responsibility to be aware of Fair Use Guidelines. (See Appendix F.)

## **Recommendation #6**

The current practice of assigning copyright fees to students should remain in effect. This practice is consistent with practices elsewhere, and it accurately reflects the costs incurred by creating coursepacks and posting e-reserve materials. It also provides incentives for linking to licensed electronic content, thus avoiding additional copyright fees.

Respectfully submitted by the Task Force on Copyright, Reserves, and Coursepacks.

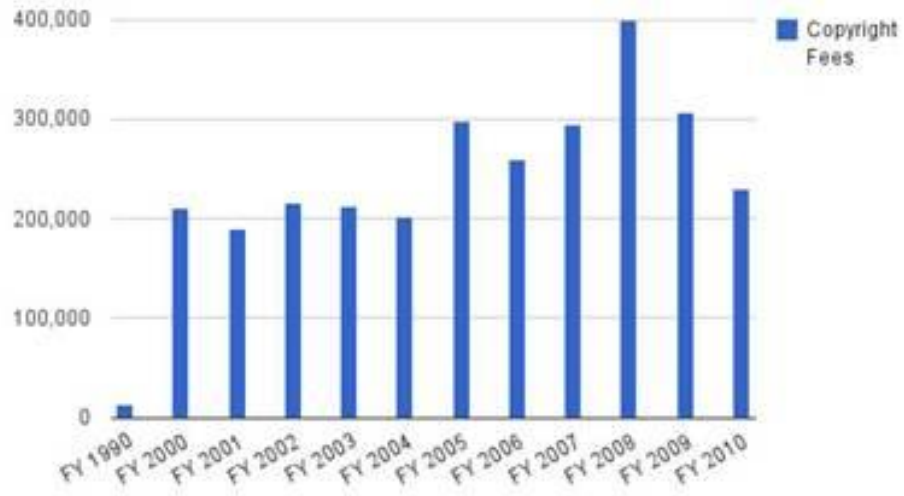
- Nicola Courtright, Associate Dean and Professor of the History of Art
- Jeffers Engelhardt, Assistant Professor of Music
- Bryn Geffert, Librarian of the College, Chair
- Susan Kimball, Science & Electronic Services Librarian
- Theresa Laizer, Academic Department Coordinator, Political Science
- Edward Melillo, Assistant Professor of History and Environmental Studies
- Paul Murphy, Legal and Administrative Counsel

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## APPENDIX A

### Copyright Fees Paid by Amherst College



**CONFIDENTIAL**

**APPENDIX B**

**Practices at Peer Institutions;  
Results of a Survey of Library Directors at Oberlin-Group Colleges  
October 2010**

Agnes Scott College  
Austin College  
Barnard College  
Bates College  
Bucknell University  
Colgate University  
College of the Holy Cross  
Connecticut College  
Davidson College  
Denison University  
DePauw University  
Dickinson College  
Eckerd College  
Franklin & Marshall College  
Gettysburg College  
Gustavus Adolphus College  
Haverford College  
Hope College  
Lake Forest College  
Manhattan College  
Oberlin College Library  
Occidental College  
Randolph-Macon College  
Simmons College  
Skidmore College  
St. Olaf College  
Swarthmore College  
Wellesley College  
Wesleyan University  
Whitman College

*Which statement best describes your institution's approach to compensating publishers for copyrighted course material posted online or included in coursepacks?*

Text:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 19
- Other: 11

Images:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 11.
- I don't know: 8
- Other: 11.

Audio:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 8
- Other: 11
- I don't know: 10

Video:

- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use; we reimburse publishers or the Copyright Clearance Center (CCC) only for amounts that exceed that portion or use: 9
- Other: 12
- I don't know: 8

Comments on "Other" for all four categories:

- This is so decentralized at [institution x] that we probably have many different people approaching it in many different ways.
- Use a commercial service for coursepacks.
- Fair Use for materials posted to password protected course management sites.
- We reimburse publishers through CCC for items included in coursepacks. The faculty member is responsible to adhere to fair use guidelines when posting online.
- We have a broad understanding of fair use and we do not have a centralized method for compensating the CCC. The bookstore creates coursepacks for a small portion of the faculty, and the bookstore does seek permission and pay the CCC.
- We adhere to guidelines that classify a certain portion or use of an item as consonant with Fair Use and we \*advise\* our faculty that they obtain permission via CCC for amounts that exceed Fair Use parameters. Note: We advise faculty, but do not enforce or monitor their compliance.
- No practices.
- We adhere to fair use guidelines for online posting. We will not post to Blackboard portions of works that exceed this amount, suggesting to the faculty person that we put a print copy of the book on physical reserve. There are only 1 or 2 physical coursepacks being produced, and for these our Bookstore Manager handles the CCC fees. Although we digitize images and audio and again adhere

to local interpretations of fair use to guide this practice, we haven't entered into the business of streaming video yet.

- We only stream and consider that fair use.
- Professors use coursepacks for previously used material and material over 10%.
- The library is not responsible for coursepacks and we do not provide eRes so this responsibility rests with the bookstore or faculty directly. For them, your second choice is likely closest to institutional approach.
- varies with material type; we only stream video for which we have received permissions (or tacit permissions); we rely quite heavily on using direct links to course materials; our copyright guidelines stipulate that for any journal for which we pay institutional subscription rates, it is intended to be used for educational purposes, whether research or teaching.
- We do not currently post audio or video material in electronic reserves.

*Who usually determines whether copyrighted materials used in courses complies with Fair Use guidelines?*

Text:

- Faculty member: 14
- Staff in print shop: 12
- Other: 4

Images:

- Faculty member: 12
- Staff in print shop: 8
- I don't know: 6
- Other: 4

Video

- Faculty member: 11
- Staff in print shop: 7
- I don't know: 6
- Other: 6

Comments on "Other" for all three categories

- Library if CCC for print reserves. Faculty are responsible for the rest.
- Our assumption is that faculty do it...
- Usually department will reimburse; occasionally the Library will assist.
- All audio is streamed; all is thought to be fair use. Course packs are completely centralized in terms of permission and funding.
- Some individual faculty and, if the bookstore is creating the coursepack, the bookstore.
- We track only ILL for royalty purposes.
- Department secretaries.
- Head of Access Services.
- We don't reimburse for audio and video.
- Library obtains copyright for coursepack materials only.
- Bookstore manager.
- Bookstore.
- It could also be faculty; though permissions for course reserves are in the hands of faculty, the library will help them seek permissions and we will pay if necessary.

*Who obtains copyright permission or reimburses publishers or the Copyright Clearance Center (CCC) when necessary?*

Text:

- Faculty member: 13
- Library or VRC [Visual Resources Center]: 10
- Staff in print shop: 1
- Other: 6

Images:

- Faculty member: 10
- Library or VRC: 7
- I don't know: 6
- Other: 7

Audio:

- Faculty member: 9
- Library or VRC: 6
- I don't know: 8
- Other: 7

Video:

- Faculty member: 9
- Library or VRC: 6
- I don't know: 8
- Other: 7

*Who processes (scans, uploads, deletes) documents placed on electronic reserves?*

Text

- Departmental administrative assistants: 2
- Faculty member: 4
- Library or VRC: 14
- Other: 10

Images

- Departmental administrative assistants: 1
- Faculty member: 3
- I don't know: 4
- Library or VRC: 12
- Other: 10

Audio

- Departmental administrative assistant: 1
- Faculty member: 5
- I don't know: 6
- Library or VRC: 9
- Other: 9



Video:

- Faculty member: 4
- I don't know: 8
- Library or VRC: 5
- Other: 13

Notes on "Other" for all four categories

- Practices vary by format and with circumstances. Library rarely scans text but uploads a lot.
- Library will accept digital files.
- text may also be uploaded by fac member, after training where we go over C/R.
- "Electronic reserves" is a library service, so we do it. Faculty members can do most of these things in Blackboard, too, where they process the items themselves or have their departmental assistants do it.
- We do not have an "electronic reserves" system. Faculty members use the course management system to make materials available for their classes. We make links in the system to the library reserve lists, and the electronic materials on that list are links.
- ITS.
- For text, all three categories place materials in Blackboard. To my knowledge, only the library is supporting the digitization of images and audio.
- For text and some images, can be done by either faculty or the library. Most audio is done by the library, though there may be files uploaded by faculty. Video is done either by the library or the language lab.
- ITS staff.
- Combo of copy center and faculty.
- Mix of faculty and admin assistants.
- Both instructors and library staff can scan, upload and delete e-reserves.
- It's pretty hodge-podge (and we use Moodle for this, rather than e-reserves per se): faculty do most of their own uploading, but some TAs and departmental assistants do it, and the academic technology specialists in LIT often get roped in for things like audio and video.
- Combination of library staff, faculty member, and departmental assistants.
- We don't have electronic reserves. However, we use Moodle as our electronic course management system. Faculty and departmental assistants have been trained to scan, upload and delete documents.
- Both faculty themselves or their dept. assistants NOT the Library.
- We do not have electronic reserves.

*Does your institution have an "Annual Copyright License for Academia" through the Copyright Clearance Center (CCC)?*

- Yes: 0
- No: 29
- I don't know: 2

*My Institution produces printed coursepacks ...*

- Usually instead of electronic reserves: 1
- Sometimes instead of electronic reserves: 6
- Very occasionally: 7
- Never: 6
- I don't know: 7

- Other:
  - Only when requested by faculty
  - uses commercial service for coursepacks which obtains copyright permissions
  - We offer faculty members the choice. We do not offer electronic coursepacks or electronic reserves. If faculty members want to go the print route, we assemble the course packs for them.

*May faculty at your institution place published material on their own course pages?*

- Yes: 21
- I don't know: 3
- Other:
  - Argh. Who knows--the policy says no, but everyone does anyway.
  - I think that many do, but I don't know about everyone
  - No rule
  - Only if that material is in the public domain: 2
  - They shouldn't unless they've received permission or own the copyright, but since there is in my view little understanding of what fair use means among the faculty, I suspect many do post items they shouldn't.

*Who pays the copyright fees that publishers or the CCC charge your institution for material used in courses?*

- Administration: 1
- Departments: 5
- Library: 5
- Students: 11
- Students plus other: 1
- I don't know: 1
- Other:
  - None of the above
  - Probably no one

*Which statement(s) best describes the burden placed on faculty who want an item on electronic reserve?*

- We require from faculty nothing more than a citation (full or partial); we then find the item, scan it if necessary, and upload it or link to it: 0
- We require from faculty nothing more than a citation (although we demand a complete and accurate citation); we then find the item, scan it if necessary, and upload it or link to it: 8
- Faculty may give us (a) an electronic copy, (b) a link to the item online, or (c) photocopied sheets, or (d) the print book or journal issue itself: 11
- Other:
  - course reserves are handled by faculty through course reserve management software – Moodle
  - Faculty are urged to abide by Fair Use and to link to a citation within library databases. If they scan and upload a document, it is available only to their students within the course and it is deleted at the semester's end.
  - faculty controls own e-reserve
  - Faculty post to Blackboard or campus e-disk
  - Faculty must give us either an electronic copy (PDF, JPEG, or other) of the item to be uploaded or a link from the online version. Faculty must give us

photocopied sheets of the item to be uploaded; we then scan and upload the sheets. Plus - they give us full citation

- Faculty upload their own electronic items
- Faculty members and their administrative assistants post materials on the course management system. ILS provides training on how to do this, and guidance regarding copyright compliance.
- I don't know. We don't have electronic reserves.
- since we use our CMS (Moodle) to provide electronic access to readings etc., the library plays no role. We do not have e-reserves in the normal sense.
- We don't use electronic reserves
  - We, the library, do not support the posting of materials online. This is entirely in the hands of the faculty.

*Please estimate what percent of faculty at your institution allow laptops in the classroom.*

- 90%: 2
- 80%: 2
- 30%: 1
- I have no idea: 25

*Have any decisions by faculty not to allow laptops or other electronic devices in the classroom hindered the use of electronic reserves or other electronic readings?*

- No: 7
- Not to my knowledge: 3
- I don't know: 7
- Other:
  - As far as I know, no such decisions have been made.
  - No decision on that here
  - Not applicable

*Does your institution have a policy on student use of laptops in the classroom?*

- No: 28
- Other:
  - I don't know of any
  - Nothing firm.

*Do you expect to see an increase in the use of laptops and electronic reading devices in class?*

- Yes: 19
- No: 1
- I don't know: 10

*Do you expect to see a decline in the use of printed coursepacks in the year ahead?*

- Yes: 14
- No: 5
- I don't know: 11

*Copyright policies:*

- <http://lis.dickinson.edu/Library/StudentServices/Policies/copyright.htm>
- [http://library.rmc.edu/about/copyright\\_guide.pdf](http://library.rmc.edu/about/copyright_guide.pdf)
- it is under development
- <http://www.gettysburg.edu/library/copyright/>
- <http://my.simmons.edu/services/technology/policies/copyright/>
- <http://www.oberlin.edu/library/reserve/copyright.html>
- <http://www.stolaf.edu/offices/doc/facultyhandbook/ToC.htm>
- <http://www.denison.edu/library/copyright/index.html>
- <https://www.depauw.edu/library/howto/copyright.asp>
- [http://www.holycross.edu/its/it\\_policies/it\\_use\\_policy/](http://www.holycross.edu/its/it_policies/it_use_policy/)
- <http://www.swarthmore.edu/x5025.xml>
- <http://web.wellesley.edu/web/Dept/LT/Collections/Reserves/ereserves.psml>
- <http://exlibris.colgate.edu/Reserves/copyright.html>
- More guidelines than policy -  
<http://libguides.agnesscott.edu/content.php?pid=39586&sid=290538>
- <http://www.hope.edu/resources/cit/policies/copyright.html>
- <http://www.wesleyan.edu/ip/>
- <http://www.whitman.edu/content/copyright/policy>
- <http://scholar.oxy.edu/sitepolicies.html>
- <http://www.conncoll.edu/is/info-resources/copyright/ccs/reserves.html>
- Here is the general copyright policy:<http://abacus.bates.edu/ils/policies/copyright.html>

*E-reserves policies:*

- <http://www.manhattan.edu/library/reserveonline.html>
- <http://library.rmc.edu/about/reserves.html>
- we have no such policy
- <http://www.gettysburg.edu/library/copyright/library-services/reserved-items>
- <http://www.simmons.edu/library/services/faculty-staff/reserves/index.php>
- <http://www.oberlin.edu/library/reserve/faculty.html>
- <http://www.stolaf.edu/library/libinfo/reserves.html>
- <http://www.denison.edu/library/services/reserves.html>
- <https://www.depauw.edu/library/howto/copyright.asp>
- <http://libguides.holycross.edu/content.php?pid=30240>
- <http://www.swarthmore.edu/x5775.xml>
- <http://exlibris.colgate.edu/Reserves/default.html#Copyright>
- “The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be used for any purpose other than private study, scholarship, or research. If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of fair use that user may be liable for copyright infringement.”  
<http://www.whitman.edu/penrose/about/faculty/reserveinfo/>
- <http://gustavus.edu/library/search/reserves.html>
- <http://www.conncoll.edu/is/info-resources/copyright/ccs/reserves.html>
- <http://abacus.bates.edu/ils/policies/copyrightGUIDELINES.html>
- [http://www.haverford.edu/library/services/submitting\\_reserves.php](http://www.haverford.edu/library/services/submitting_reserves.php)

**APPENDIX C**

**Detailed Information on Practices at a Select Group of Peer Institutions**

*Information gathered by Nancy Ratner in September & October 2010*

***Who Pays Copyright Fees?***

	<i>College</i>	<i>College Library</i>	<i>Department</i>	<i>Students</i>	<i>No copyright fees</i>	<i>Other</i>
<i>College #1</i>				X		
<i>College #2</i>					X	
<i>College #3</i>		If online, but rarely required		for course packs		
<i>College #4</i>		If <\$75; if not, library will work with faculty to find a lower cost alternative or place the item on print reserve				
<i>College #5</i>	Special college funded account, run by library					
<i>College #6</i>				for course packs	E reserves must qualify for no cost under Fair Use or be decommissioned items	
<i>College #7</i>	X					
<i>College #8</i>		X				
<i>College #9</i>	X?					
<i>College #10</i>		X	some			
<i>College #11</i>						
<i>College #12</i>			X	pay excess		

	<i>College</i>	<i>College Library</i>	<i>Department</i>	<i>Students</i>	<i>No copyright fees</i>	<i>Other</i>
<i>College #13</i>				for course packs	E-reserves must qualify for no cost under Fair Use or be decommissioned items	Book store handles course packs
<i>College #14</i>		for e-reserves		pay majority		
<i>College #15</i>		no	presume		If library scans article from their collection	
<i>College #16</i>		X				
<i>College #17</i>	?	?	?	?		
<i>College #18</i>		If <\$50	If >\$50			

## Percentage of Supplemental Readings in Online Reserves (i.e. rather than in Coursepacks)

<i>College #1</i>	majority
<i>College #2</i>	almost all
<i>College #3</i>	majority
<i>College #4</i>	
<i>College #5</i>	extensive
<i>College #6</i>	
<i>College #7</i>	majority
<i>College #8</i>	vast majority
<i>College #9</i>	majority
<i>College #10</i>	all
<i>College #11</i>	
<i>College #12</i>	more common
<i>College #13</i>	
<i>College #14</i>	growing fast, but coursepacks still majority
<i>College #15</i>	unclear – probably less than half
<i>College #16</i>	majority
<i>College #17</i>	majority
<i>College #18</i>	mostly hard copy

## APPENDIX D

### Sample of Copyright Fees Paid for Anthropology & Sociology Courses Fall 2010

<i>COURSE</i>	<i>Students</i>	<i>CCC \$</i>	<i>PAID TO PUBLISHER</i>	<i>TOTAL \$</i>	<i>\$ COST PER STUDENT</i>
<i>Course A</i>	35	794.36	171.94	966.30	27.61
<i>Course B</i>	63	1522.29	0.00	1522.29	24.16
<i>Course C</i>	17	270.30	0.00	270.30	15.90
<i>Course D</i>	22	1638.60	50.40	1689.00	76.78
<i>Course E</i>	12	198.70	35.70	234.40	19.53
<i>Course F</i>	29	1102.45	214.00	1316.45	45.39
<i>Course G</i>	11	174.90	0.00	174.90	15.90
<i>Course H</i>	15	135.25	0.00	135.25	9.02
<i>Course I</i>	33	748.96	162.11	911.07	27.61
<i>Course J</i>	33	1987.68	109.20	2096.88	63.54
<i>Course K</i>	19	1180.90	0.00	1180.90	62.15
<i>Course L</i>	18	149.30	0.00	149.30	8.29

Total copyright fees paid for 12 classes: \$10,647

Average payment per class: \$887.25



## APPENDIX E

### Student Focus Group

The committee sent an invitation to all Amherst students to meet in Frost Library on the evening of November 17, 2010 to offer thoughts about coursepacks, e-reserves, and copyright.

Nobody showed up.

We thus spent that evening collaring as many students in the library as would talk to us. We solicited thoughts from (a) all students studying in the periodicals area at 7:30 p.m., (b) all students who responded to a call over the PA system to meet us for cookies, and (c) all students working in the computer lab at 7:50 p.m.

#### Questions

1. If offered the choice between a printed coursepack and electronic files online, which would you prefer if:

- the cost for each option were the same?
  - printed coursepack: 44
  - online files: 3
- the printed coursepack cost \$10 more
  - printed coursepack: 41
  - online files: 6
- the printed coursepack cost \$20 more
  - printed coursepack: 10
  - online files: 37
- the printed coursepack cost \$30 more
  - printed coursepack: 3
  - online files: 44

2. If your course readings were available only as online files, would you read them online (e.g. on a computer monitor, iPad, Kindle, etc.) or print them before reading?

- print before reading: 33
- read online: 13

Of those who answered “print before reading,” how many of you would choose “read online” instead if software were available to mark the text on the screen (underline, highlight, write comments, etc): 5

## CONFIDENTIAL

### APPENDIX F

#### Faculty Survey

##### *Summary*<sup>14</sup>

#### Electronic Reserves and Coursepacks

- Two-thirds of respondents reported using electronic reserves for their most recent courses.
- One-fourth of respondents reported using coursepacks in addition to electronic reserves.
- About one-tenth of respondents reported using only course packs in their most recent courses.
- Of electronic reserve users, 86% reported putting text on electronic reserve, 68% reported putting Film/Video on electronic reserve.
- Electronic reserve users reported using a variety of approaches to putting media on electronic reserve.
- Two-fifths of respondents reported observing differences in the quality of students' learning when they use printed rather than electronic course materials.
- Extensive, open-ended comments reveal that a significant segment of respondents believe in pedagogical advantages for printed materials. Some respondents suggest that students read printed material more carefully, refer to it more often in class, and more readily annotate and take notes on it.

#### Laptops

- Students were not permitted to use laptops in two-fifths of the most recent courses taught by respondents.
- About one-half of respondents reported that laptops can create a barrier that inhibits class discussion.
- About one-half of respondents do not allow laptops in courses, noting that students may use their laptops for activities other than class work.
- Respondents' open-ended comments reveal a number of concerns about students' use of laptops in class.

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<sup>14</sup> Please note: respondents could choose from multiple options when answering some of the questions on this survey.

## Copyright

- Three-fourths of respondents reported being “very familiar” (13%) or “somewhat familiar” (61%) with the Fair Use Guidelines.
- About three-fourths of respondents “strongly agreed” (14%) or “agreed” (58%) that it is a faculty member’s responsibility to be aware of Fair Use guidelines.

### *Survey Instructions*

The Task Force on Copyright, Reserves, and Coursepacks is seeking information about the ways faculty provide assigned material to students in their courses, either in the form of coursepacks (photocopied readings assembled in a packet) or electronic reserves (readings in the form of scanned articles or chapters and/or links, or other assigned material such as images or music that is stored electronically on a Web site). Your feedback will help the Task Force to assess and understand current practices in order to make recommendations to the College. (The full charge from the Committee of Six is included at the end of the survey).

It would be extremely helpful to the Task Force if you would fill out the survey about your experiences and views. It should take you around 10 to 15 minutes. Your answers will remain confidential, although the Task Force will be able to summarize the information by department.

If you have questions about this project, please contact Bryn Geffert, Librarian of the College ([bgeffert@amherst.edu](mailto:bgeffert@amherst.edu)). If you have technical questions about the survey, please contact Ethan Kolek, Associate Director of Institutional Research ([ekolek@amherst.edu](mailto:ekolek@amherst.edu)).

### *Survey Results*

Throughout the survey you will be asked questions about your most recent courses. If you are teaching this semester, please report on those courses.

**Have you used electronic reserves for your most recent courses?**

	%	n
Yes	67%	56
No	33%	28

**Which of the following do you have on electronic reserve or do you plan on putting on electronic reserve for your most recent courses? Check all that apply (electronic reserve users only)**

	%	n
Text	86%	48
Images	25%	14
Film/Video	68%	38
Other	11%	6

**Which of the following best describes your approach to putting course materials on electronic reserve for your most recent courses? Check all that apply (electronic reserve users only)**

	%	n
Submit streaming and digitization requests to IT	43%	24
Submit syllabus to staff members at Frost, who post items on electronic reserve on my course page in CMS	39%	22
Supply ADC or Frost staff members with copies of texts or other media material to post on electronic reserve on my course page in CMS	36%	20
I post texts/other media material on Blackboard or elsewhere in CMS	36%	20
Submit syllabus to ADC who takes care of rest of process	32%	18
Ask ADC to submit streaming and digitization requests to IT	13%	7
I use YouTube playlists as informal video reserve	11%	6
Other	7%	4
Ask ADC to post texts/other media material on Blackboard or elsewhere in CMS	2%	1

**How time consuming has your own involvement been in the process of creating electronic reserves? Please rate on a scale from 1-5 (1 is not very time consuming, 5 is very time consuming) (electronic reserve users only).**

	%	n
1 Not very time consuming	20%	11
2	26%	14
3	30%	16
4	15%	8
5 Very time consuming	9%	5

Mean = 2.67

Median = 2.00

**How easy or difficult has it been to create electronic reserves? Please rate on a scale from 1-5 (1 is very easy, 5 is very difficult) (electronic reserve users only)**

	%	n
1 Very easy	19%	10
2	34%	18
3	36%	19
4	8%	4
5 Very difficult	4%	2

Mean = 2.43

Median = 2.00

Several questions in the survey will ask you to report about each of the two courses you have taught most recently. Please be consistent in reporting about the same course each time you are asked about "Course 1." Similarly, please consistently report about your second course, when asked about "Course 2."

Typically e-reserves cost anywhere between \$5.00 and \$150.00 per course. How much do students pay for copyright permissions fees for your most recent courses? (electronic reserve users only)

	% of courses	n of courses
\$0	13%	8
\$1-\$25	13%	8
\$26-\$50	10%	6
\$51-\$100	11%	7
\$101+	3%	2
Not sure	49%	30

If you use visual, music, or other media materials, have you encountered particular challenges? Check all that apply. (electronic reserve users only)

	%	n
Locating materials	16%	9
Preparing this material for class is too time consuming	13%	7
Projecting, playing or otherwise using material in class	11%	6
Distributing materials to students	9%	5
Other	5%	3

Have you used coursepacks (photocopies of assembled readings) in your most recent courses?

	%	n
Yes, and only coursepacks	11%	9
Yes, but also electronic reserves	26%	21
No	63%	52

Why did you choose a coursepack over electronic reserves? Check all that apply. (coursepack only users)

	%	n
I prefer coursepacks for pedagogical reasons.	80%	7
I am unfamiliar with electronic reserves.	44%	4
I do not have the resources to prepare electronic reserves.	11%	1
Other	11%	1
I did not know that I could use electronic reserves.	0%	0

**Who produces (i.e. copies and collates) your coursepacks? (all coursepack users)**

	%	n
Our ADC	40%	12
The Office of Administrative Services	23%	7
A copy shop or service off-campus	17%	5
I do it	13%	4
Other	7%	2

**How time consuming has your own involvement been in the process of creating coursepacks? Please rate from 1-5 (1 is not at all time consuming, 5 very time consuming). (coursepack users only)**

	%	n
1 Not very time consuming	10%	12
2	33%	7
3	20%	5
4	20%	4
5 Very time consuming	17%	2

Men = 3.00  
Median = 3.00

**How easy or difficult has it been to create course packs? Please rate on a scale from 1-5 (1 is very easy, 5 is very difficult). (coursepack users only)**

	%	n
1 Very easy	13%	4
2	43%	13
3	20%	6
4	13%	4
5 Very difficult	10%	3

Mean = 2.63  
Median = 2.00

**Typically coursepacks, including copyright permissions fees, cost anywhere between \$5.00 and \$150.00 per course. How much do students pay for coursepacks for your most recent courses? How much students pay for coursepacks in most recent courses? (coursepack users only n = 30)**

	% of courses	n of courses
\$0	5%	2
\$1-\$25	18%	8
\$26-\$50	25%	11
\$51-\$100	16%	7
\$101+	7%	3
Not sure	30%	13

**Have you investigated whether putting class material on your course page in the CMS (electronic reserves) would cost the students less money than a coursepack? (coursepack users only)**

	%	n
Yes	55%	16
No	31%	9
Not sure	14%	4

**How, if at all, are students allowed to use laptop computers during your class sessions? Consider your most recent courses. (all respondents)**

	% of courses	n of courses
Students are never allowed to use laptops during any class sections	42%	57
Students are allowed to use laptops in certain situations in class	26%	35
Students are always allowed to use laptops in all of my class sections	32%	43



**To what extent do you agree or disagree with each of the following statements?**

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Students should use laptops to take notes in class.	3%	17%	32%	28%	20%
Students should use laptops during discussions of readings/other material.	3%	4%	32%	35%	26%
If students are allowed to use laptops in class, students should download their readings/other assigned material for class discussion so that their computers are not connected to the Internet during class.	33%	33%	23%	6%	4%
I ask students turn off their wireless connection when using a laptop during my class session so they cannot access the Internet.	14%	14%	39%	22%	11%
Students should make notes, highlight, and otherwise mark up their documents electronically.	8%	19%	56%	11%	6%

**If you do not allow laptops in class, why not? Check all that apply. (Percentages reported as proportion of all respondents still participating in the survey)**

	%	n
Laptops create a barrier that inhibits discussion	53%	40
Students may use their computer for activities other than class work.	52%	39
Other	12%	9
I haven't tried laptops in class yet	4%	3

**Have you observed any differences in the quality of students' learning when they use printed versus electronic course materials?**

	%	n
Yes	41%	28
No	59%	41

**What are the most challenging aspects of dealing with copyrights, e-reserves, and coursepacks for you? Check all that apply.** *[Note: This question was incorrectly programmed when the survey first launched so that respondents could only check one response. Because of this error, caution should be used when interpreting the results for this item.]*

	%	n
Locating material	19%	10
Finding copyright holders	4%	2
Applying for copyright permissions	26%	14
Assembling the material	28%	15
Projecting, playing, or otherwise using the material in class	6%	3
Other	19%	10

**How familiar are you with the Fair Use guidelines (i.e. how and how much copyrighted material may be copied, modified, displayed, performed or distributed for instruction without seeking permission from its maker)?**

	%	n
Very familiar	13%	9
Somewhat familiar	61%	43
Not too familiar	23%	16
Not at all familiar	4%	3

**To what extent do you agree or disagree with the following statement:**

**“It is a faculty member's responsibility to be aware of Fair Use guidelines.”**

	%	n
Strongly agree	14%	10
Agree	58%	42
Neutral	23%	17
Disagree	3%	2
Strongly disagree	3%	2

**Please indicate how long you have been at the College:**

	%	n
1-6 years	30%	22
7-14 years	25%	18
15-25 years	22%	16
26+ years	23%	17

**It would be helpful if you could let us know which department you are in:**

Anthropology & Sociology	3
Anthro-Soc & Env. Studies	1
Art and the History of Art	4
Asian Languages and Civilizations	2
Biology	2
Chemistry	3
Classics (don't forget, we study the people who invented technology!)	3
Computer Science	1
Economics	2
economics / environmental studies	1
English	3
English/American Studies	1
French	1
Geology	2
German	1
History	5
History / Women's and Gender Studies	2
LJST	1
Music	2
Philosophy	1
Physics	1
Political Science	3
POSC/WAGS	1
Psychology	4
Psychology and WAGS	1
Religion	2
Spanish	2
Theater and Dance	2

## APPENDIX G

### Examples of Mark-up Tools for Electronic Text

#### *“Good Reader” Software*

**Abstract**

Reverse Turing tests, or CAPTCHAs, have become an ubiquitous defense used to protect open Web resources from being exploited at scale. An effective CAPTCHA resists existing mechanistic software solving, yet can be solved with high probability by a human being. In response, a robust solving ecosystem has emerged, reselling both automated solving technology and real-time human labor to bypass these protections. Thus, CAPTCHAs can increasingly be understood and evaluated in purely economic terms: the market price of a solution is the monetizable value of the asset being protected. We examine the market-side of this question in depth, analyzing the behavior and dynamics of CAPTCHA-solving service providers, their price performance, and the underlying labor markets driving this economy.

**1 Introduction**

Questions of Internet security frequently reflect underlying economic forces that create both opportunities and incentives for exploitation. For example, much of today's Internet economy revolves around advertising revenue,

alphanumeric characters that are distorted in such a way that available computer vision algorithms have difficulty segmenting the text. This problem is often solved in two steps: first, those developed around solving cost the use of cheap Internet access and the commodity nature of today's CAPTCHAs has globalized the solving market;

A screenshot of a 'Note' application window with a yellow background. The window has a title bar with 'Close' and 'Save' buttons. The text inside the note reads 'Define abbreviation.'

временной критики за беспринципность, т. е. за то, что его литературная деятельность оставалась чужда всякого интеллигентского «направления» (известно, что подобными упреками грешил тогда даже покойный Михайловский), в последнее время за Чеховым признано было «направление», ему выдано было свидетельство о литературной благонадежности, и «сия последняя лесь бысть горша первая». На этом основании литературная деятельность Чехова в настоящее время обычно делится на два периода, из которых первый характеризуется отсутствием у него гражданских добродетелей, а второй их появлением. Однако при таком измерении Чехова аршином существующих направлений слишком мало задаются вопросом о том, в чем же состоит своеобразие собственной физиономии Чехова, вне этого более чем сомнительного деления на периоды. Нас поражает в этом отношении тот любопытный факт, что сам Чехов никогда не ставил хронологических дат на своих произведениях, их нет и в последнем полном собрании его сочинений. Мы усматриваем в этом во всяком случае ценный намек и указание на то, как мало значения придавал точной хронологии своих произведений сам автор, очевидно, не знавший никакого крутого поворота в направлении своей литературной деятельности. ~~И нам действительно она представляется единым целым, проникнутым одним общим мировоззрением: об основных чертах этого мировоззрения, насколько оно отразилось в произведениях Чехова, я и хочу поведать сегодняшнюю беседу.~~

Written in the fall of 1905 in St. Petersburg and Yalta

bgeffert 12/13/2010, 5:4  
Source? Check bibliography.

Typo from original text?

## **APPENDIX H**

### **The Fair Use Exception**

#### **17 U.S.C §107**

##### § 107. Limitations on exclusive rights: Fair use

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.

## APPENDIX I

### Course Reading Survey

Conducted by Susan J. Kimball & Theresa Laizer Fall 2010  
Data collected from a random selection of 30 spring 2010 courses

#### E-RESERVE LINKED CONTENT VS. UPLOADED FILES

	Links	Uploads	Total	% Links
Humanities	37	69	106	34.91%
Interdisciplinary	69	64	133	51.88%
Sciences	136	48	184	73.91%
Social Sciences	63	98	161	39.13%
Total	305	279	584	52.23%

#### E-RESERVE UPLOADED CONTENT THAT COULD HAVE BEEN LINKED

	License	Free	Both	Total	%
Humanities	6	8	0	69	20.29%
Interdisciplinary	15	4	9	64	43.75%
Sciences	4	9	2	48	31.25%
Social Sciences	5	6	29	98	40.82%
Total	30	27	40	279	34.77%

#### COURSEPACK CONTENT THAT COULD HAVE BEEN LINKED

	License	Free	Both	Total	%
Humanities	8	11	2	91	23.08%
Interdisciplinary	0	0	0	11	0.00%
Sciences	0	0	0	0	0.00%
Social Sciences	10	13	15	118	32.20%
Total	18	24	17	220	26.82%