

To: UFC

From: Alex Tanford, Chair of Policy Review Committee

Date: November 12, 2019

Re: ACA-31, Fair Use of Copyrighted Works for Education and Research

A. The UFC Policy Review Committee has reviewed ACA-31, Fair Use of Copyrighted Works for Education and Research, and determined:

1. The policy is obsolete. It was enacted in 1997 and required the university to use the Copyright Management Center at IUPUI as a resources but that center no longer exists and has not been replaced. The current resources are the University Counsel's office and the Copyright Program of the IU Bloomington Library.
2. The former policy required the university to defend and indemnify faculty accused of copyright violations through a 1971 Officers Liability Insurance policy. This has been superseded by a Trustees' resolution on the indemnification of faculty generally for liability arising from their teaching and research, dated February 14, 2014, which is independent of this policy.
3. Language in the policy obligating faculty to obey copyright laws can be transferred to ACA-33, Code of Academic Ethics, where other general responsibilities of faculty are set forth.
4. Concerns were raised by some faculty that resources on the use of copyrighted material were not readily available on campuses other than Bloomington. That concern will be addressed by the Committee in the future as it considers other policies about resources to support teaching.

B. The policy update proposal has been circulated for comment. The recommended changes to ACA-31 have been presented to the University Policy Advisory Council, circulated to university administrators, and approved by university counsel.

C. The Committee moves that the UFC take the following action:

1. Rescind ACA-31, Fair Use of Copyrighted Works
2. Amend ACA-33, Code of Academic Ethics, by adding the following paragraph to Section A-II: Specific Responsibilities:

24. All academic appointees are expected to be familiar with and abide by the basic principles of the fair use of copyrighted material in teaching, research and librarianship. When using copyrighted materials in teaching and research, they should consult university personnel with knowledge of the fair use doctrine at the Copyright Program of the Indiana University Libraries, the University Counsel's Office, or other campus resources.