

SIX: MAINTAINING THE INTEGRITY OF WORKS DEPOSITED IN INSTITUTIONAL REPOSITORIES

DESCRIPTION:

Many libraries that serve postsecondary institutions are developing digital institutional repositories (or IRs) that house and provide access to a variety of different kinds of material directly related to their institutions' activities, including scholarship of faculty and graduate students as well as documentation of institutional histories. The collection and maintenance of electronic theses and dissertations (ETDs) is a related issue. Access to ETDs and other material in IRs may be restricted to individuals with institutional affiliations, but many libraries aspire to make their contents available to the general public. Many deposited works quote or incorporate third-party material in ways that represent appropriate fair use by the faculty member or student in question. Librarians can and should respect the integrity of deposited materials that include selections from copyright works incorporated in reliance on fair use.

Use of quotations, still frames, illustrative excerpts, and the like is common practice in scholarly writing, and is at the heart of fair use. Libraries respect the authors' fair use rights when they accept these materials intact into the IR and make them available unchanged to the public. Libraries that operate IRs can and should respect and maintain the integrity of materials they accept for deposit, rather than insisting on unnecessary permissions or requiring unnecessary deletions. Fair use makes this possible. Many institutions use vendors to host and maintain ETDs and IRs, and libraries should work to ensure that vendors also respect authors' fair use rights.

PRINCIPLE:

It is fair use for a library to receive material for its institutional repository, and make deposited works publicly available in unredacted form, including items that contain copyrighted material that is included on the basis of fair use.

LIMITATIONS:

- In the case of publicly accessible IRs, libraries should provide copyright owners outside the institution with a simple tool for registering objections to the use of materials in the IR, and respond to such objections promptly.

- Libraries and their parent institutions should provide depositing authors with useful information about the nature and the scope of fair use, and the proper forms of attribution for incorporated materials, in order to help them make informed uses in their own work. This information should specifically address the fact that fair use is context-specific, and that what is fair use within the academy may not be fair use when a work is more broadly distributed.
- Full attribution, in a form satisfactory to scholars in the field, should be provided for all incorporated third-party materials included in works deposited to the IR, to the extent it is reasonably possible to do so.

ENHANCEMENTS:

- The fair use case will be stronger when institutions have developed or adopted a clear institutional policy about appropriate use of quotations, illustrations, etc., in faculty and student scholarship.
- Likewise, libraries may consider providing individualized advice on the appropriate use of copyrighted material in scholarship to members of the community upon request.

SEVEN: CREATING DATABASES TO FACILITATE NON CONSUMPTIVE RESEARCH USES (INCLUDING SEARCH)**DESCRIPTION:**

In addition to making specific collection items available to patrons for intensive study, librarians have always played an important role in conducting and supporting scholarship in disciplines that examine trends and changes across broad swaths of information, e.g., information science, linguistics, bibliography, and history of science. Developing indexing systems and finding aids is also a core part of the library mission. Digital technology offers new possibilities where both of these traditional functions are concerned. Libraries can offer scholars digital databases of collection items on which to perform computerized analyses, and they themselves can employ such databases to develop new and powerful reference tools. Because they do not involve ordinary reading or viewing of the processed works, these uses are often referred to as nonconsumptive.