

## Printing and Copying

---

### ***Related Board of Trustee Policy: NA***

***Responsible Official***     *Director of External Relations, Director of Technology and Information Services*

***Approvals***                 *09/13/07*

***Revision***

---

### **Procedure**

McDowell Technical Community College offers a variety of printing, design, and duplication services through the Print Shop to produce official college materials and publications.

The College also offers self-service copying at various locations on campus.

#### *Print Shop Use*

Requests for printing and publication design should be submitted to print shop personnel on an MTCC Print Shop Request Form. These forms are located at the entrance to the print shop.

#### *Self-service Copying*

There are sixteen copiers located on and off campus that are available for faculty and staff use. These machines are to be used only for institutional materials. A copier for public use is available in the library. There is a per copy charge.

#### *Location of Copiers on (& off) Campus*

Building 17 – First and Second Floor

Building 14 – Room 12

Building 4 – Near Faculty Offices

Building 11 – Business Office, Student Services, Library, Graphics Lab and Print Shop

Building 19 – William Harold Smith Building – located on each floor

Basic Law Enforcement Training Center

Universal Advance Manufacturing Center

NCWorks at the Ford Miller Training Center – located on each floor

#### *Student Copying*

Students have access to the copier located in the library at the circulation desk. There is a per copy charge.

#### *Outside Agencies*

Equipment, computers, software and supplies of the Print Shop are for institutional use only, although the Director of External Relations, any Vice-President of the College, or the President may approve in writing the use of these items when the college is a co-sponsor or partner in an educational or promotional event for the college or in support of certain economic development activities. In such cases as may be deemed appropriate, the College may be required to charge

partner agencies or co-sponsors for services performed in the Print Shop, including cost of supplies, copier charges and labor.

The Print Shop cannot perform services for non-profits, private individuals or businesses, or other government agencies except where consistent with state law (NC Gen. Statute 143-32b) and when approved in writing by one or more of the individuals named above.

### Graphics and Photography Students

Graphics and Photography Students may receive proof and/or presentation copies of work completed for assignments only, except that no bulk copies of any amount may be printed/copied by the College.

### Guidelines for Copying Copyrighted Materials

The following guidelines should be observed when copying copyrighted materials. **Note:** The same laws and penalties that apply to illegal copies in the library or anywhere else apply to the Internet.

#### Uncopyrighted Published Works

Anyone may reproduce without restriction works that entered public domain. Any work published in the U.S. before January 1, 1978 without a copyright notice entered the public domain.

#### "Fair Use" – Current Law Title 17 > Chapter 1 > § 107

Teachers may reproduce copyrighted works for classroom use and for research without securing permission and without paying royalties when the circumstances amount to what the law calls "fair use." In determining whether the use is a "fair use" the law requires consideration of the following:

*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.*

You should secure permission from the copyright owner unless the intended use is clearly permissible under fair use.

### Determining "Fair Use"

The following guidelines should be used to judge if intended photocopying of copyrighted materials constitutes fair use in teaching and research at McDowell Technical Community College.

#### A. Single Copying for Instructors

A single copy may be made of any of the following by or for an instructor at the instructor's request for scholarly research or for use in instruction or classroom preparation:

- (1) A chapter from a book.
- (2) An article from a periodical or newspaper.
- (3) A short story, short essay, or short poem, whether or not from a collective work.
- (4) A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

#### B. Multiple Copies for Classroom Use

Multiple copies, which may not exceed in any event more than one copy per pupil in a course, may be made by or for the instructor teaching the course for the students' classroom use or discussion, provided that certain guidelines are met.

- (1) The copying meets the tests of brevity and spontaneity which are defined as follows:

##### a. Brevity

##### (1) Poetry

- (a) A complete poem if less than 250 words and if printed on not more than two pages; or
- (b) From a longer poem, an excerpt of not more than 250 words.

##### (2) Prose

- (a) Either a complete article, story, or essay of less than 2,500 words; or
- (b) An excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.

(Each of the numerical limits stated for poetry and prose may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)

(3) Illustration

One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

(4) "Special" works

Certain works in poetry, prose, and "poetic prose" which often combine language with illustrations which are intended sometimes for children and other times for a more general audience fall short of 2,500 words in their entirety. Paragraph B.1.a (2) above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

b. Spontaneity

(1) The copying is at the instance and inspiration of the individual instructor.

(2) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to request permission for its use.

(2) The copying meets the cumulative effect test which is defined as follows:

a. The copying of the material is for only one course in the school in which copies are made.

b. Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

c. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in B.2.a and B.2.b shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

(3) Each copy includes a notice of copyright.

**Prohibitions to single copy use for instructors and multiple copy use for classroom instructors:**

Notwithstanding any of the above, the following shall be prohibited:

1. Copying should not be used to create or replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are reproduced and used separately.
2. There shall be no copying of or from works intended to be “consumable” in the course of study or teaching. These include workbooks, exercises, standardized tests and test booklets, and answer sheets and like consumable material.
3. Copying shall not:
  - a. Substitute for the purchase of books, publisher’s reprints, or periodicals;
  - b. Be directed by higher authority; and
  - c. Be repeated with respect to the same item by the same teacher from term to term.
4. No charge shall be made to the student beyond the actual cost of the photocopying.

**Obtaining Permission To Use Copyrighted Material**

When a proposed use of copyrighted material requires a faculty member to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. The Association of American Publishers suggests that the following information be included to expedite the process:

1. Title, author, and/or editor, and edition of materials to be duplicated;
2. Exact material to be used giving amount, page numbers, chapters, and if possible, a photocopy of the material;
3. Number of copies to be made;
4. Use to be made of duplicated materials;
5. Form of distribution (classroom, newsletter, etc.);
6. Whether or not the material is to be sold; and
7. Type of reprint (photocopy, offset, typeset).

The request should be sent with a stamped self-addressed envelope to the copyright and permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from *Books in Print* (for books) or *Ulrich’s International Periodicals* (for journals), both published by the R.R. Bowker Company. For purposes of proof and to define the scope of permission, it is important that the permission be in writing.

The process of considering permission requests time for the publisher to check the status and ownership of rights and related matters and to evaluate the request. It is advisable, therefore, to allow sufficient lead time. In some instances the publisher may assess a fee for permission, which may be passed on to students who receive copies of the photocopied materials.