



MOUNT ST. JOSEPH
UNIVERSITY

The following pages have been extracted
from the 2019-2020 Mount St. Joseph
University Student Handbook.

To view the entire Student Handbook, please visit www.msj.edu/student-handbook.

FINES. Circulating collection items: fifty cents per day per item. Recalled reserve collection items: fifty cents per day per item. Reserve collection items: \$1 per day per item. Fines are payable when overdue materials are returned. Fines are charged for all days the library is open. Students may return library items in the book return located outside the west entrance to the Library (near the Administration Building) or in the book return in the Seton Center Lobby when the Library is not open. Students are responsible for materials and fines whether or not an overdue notice has been received. At the end of each semester/term, the Registrar may withhold grades/transcripts for students with unpaid library fines or unreturned library materials. A replacement cost plus a processing fee is charged for each lost or damaged item.

2. COPYRIGHT COMPLIANCE

Mount St. Joseph University recognizes and respects intellectual property rights. As part of its mission to maintain the highest standards for ethical conduct, Mount St. Joseph is committed to fulfilling its moral and legal obligations with respect to the university's use of copyright-protected works.

Article I of the U.S. Constitution authorizes Congress to pass legislation "to promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." On the basis of the Constitution, Congress has enacted the Copyright Act found at Title 17 of the U.S. Code.

As a matter both of moral integrity and of adherence to U.S. copyright law, Mount St. Joseph University sets forth these policies for all employees and students to demonstrate the university's respect for intellectual property and compliance with the law:

- a. No employee or student of Mount St. Joseph University may reproduce any copyrighted work in print, video, or electronic form in violation of U.S. copyright law. If a student or employee of Mount St. Joseph wishes to reproduce a copyrighted work, the easiest way to ensure the law is not violated is by first receiving express written permission from the copyright holder.
- b. Works are protected by copyright laws in the U.S. even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol (©). Copyrighted works include, but are not limited to: articles from publications, TV and radio programs, DVDs, CDs, music performances, photographs, training materials, manuals, documentation, software, databases, digital files, and web pages. In general, the laws that apply to printed materials are also applicable to visual and electronic media.
- c. Mount St. Joseph University has obtained a repertory license from the Copyright Clearance Center, permitting it to make photocopies of portions of CCC's 1.75 million registered published works. The CCC license permits unlimited copies to be distributed to MSJ employees for internal use only. The list of CCC registered works, including trade, newspaper, and magazine titles, is available at www.copyright.com.
- d. For all other copyrighted works, the Mount St. Joseph University directs its employees to obtain permission from copyright holders directly, or their licensing representative, when the reproduction or duplication exceeds fair use.
- e. Mount St. Joseph University designates the Director of Library Services as the copyright officer to administer the university's copyright policy. The Director of Library Services can help determine whether a work is covered by the CCC license and how to handle any special copyright issues. Questions concerning copyright procedures, including fair use, should be addressed to the attention of the library director. To obtain permission to reproduce copyrighted works not covered by the CCC license or other prior agreements, the employee should contact the rights and licensing department of the copyright holder. Questions on specific procedures should be directed to the library director.

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. Furthermore, an educational purpose alone does not necessarily qualify as “fair use.”

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). The principal rights of the copyright owner are: to reproduce the work (e.g., photocopies, scans, digital files), to prepare derivative works based on the original work, to distribute copies of the work for sale, rental or lease, and to perform the work publicly (e.g., motion pictures, videos, plays). In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. 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.

For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ’s at www.copyright.gov/help/faq.

For more information about copyright see the following websites:

[Copyright](#) -- This site from the library at the University of Maryland serves as an introduction to copyright and fair use as it applies to instructional settings.

[United States Copyright Office](#) -- from the Library of Congress

3. INSTRUCTIONS FOR HANDLING AN INCIDENT OF COPYRIGHT INFRINGEMENT

Mount St. Joseph University encourages its employees to educate their peers and students on copyright compliance. If employees witness a potential copyright infringement, the university encourages the employee to bring the matter to the attention of the individual as well as to the copyright officer named above. Students who illegally duplicate copyrighted works are also subject to disciplinary action up to and including dismissal. See Section IV.I for more information. Examples of copyrighted works include:

- Literary works (e.g., books, magazines, newspapers, cartoons, journals and other periodicals, training materials, newsletters, documentation)
- Web pages, PDFs, ebooks, and other digital text files
- Computer software
- Pictures, graphics, and sculptures (e.g., maps, cartoon characters, photographs)
- Sound recordings (e.g., digital audio files, CDs,)
- Architectural works (e.g., blueprints)
- Dramatic works (e.g. plays, screenplays)
- Audiovisual works (e.g. DVDs and digital video files)
- Pantomimes and choreographic works