



OFFICE OF THE PROVOST AND
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

March 25, 2015

**EXECUTIVE VICE CHANCELLORS/PROVOSTS
LABORATORY DIRECTOR ALVISATOS
ACADEMIC COUNCIL CHAIR GILLY
ANR VICE PRESIDENT ALLEN-DIAZ**

RE: Final Review of the UC Policy on Copyright and Fair Use

Dear Colleagues:

Enclosed for Final Review is draft UC Policy on Copyright and Fair Use. Currently known as the 1986 Policy on the Reproduction of Copyrighted Materials for Teaching and Research, the revised policy is intended to be a clear statement by the University in support of copyright law and in defense of the “fair use” principle.

A key reason for undertaking the revision was that the guidelines that are included as part of the 1986 policy are obsolete, as confirmed by a recent appellate court opinion.¹ Policies may take years to revise, while interpretation of copyright law may evolve quickly based on court decisions and amendments. By removing guidelines from the policy, the University is not trying to provide less guidance; the written guidance that faculty, students, and staff seek for understanding copyright and fair use is more appropriately located on the [UC Copyright website](#), which is maintained by the [SLASIAC Standing Subcommittee on Copyright Policy](#)² and is regularly edited and updated with relevant information by experts in the field. The site includes resources such as:

- [Information on use of copyrighted materials in the classroom](#)
- Frequently asked questions about [copyright ownership](#) and [use of copyrighted works](#)
- [A summary of who owns copyright for different types of works created at UC](#)

¹ Cambridge University Press v. Patton (11th Cir. Oct. 17, 2014). The decision made clear that the 1976 Classroom Copying Guidelines are not an appropriate lens to rely upon for fair use determinations.

² The Subcommittee composition is defined in the SLASIAC (Systemwide Library and Scholarly Information Advisory Committee) charge: “In addition to the Chair, the subcommittee will be composed of: one Academic Council representative (normally, the Vice Chair of Academic Council), three faculty members, one of the CoUL representatives from SLASIAC, a Research Vice Chancellor, the Office of General Counsel representative from SLASIAC, and additional faculty and campus administrators as needed to provide appropriate perspectives, either on an ongoing basis or to address specific policy issues before the Subcommittee.”

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Other options for faculty, staff, and students who need assistance with copyright related matters include campus librarians, who are well-versed in the intricacies of educational uses of copyrighted material, and campus counsel, when appropriate. Many copyright-related questions do not require legal advice. Assistance in determining what type of help is needed with a specific issue can be obtained by sending an email message to copyright@ucop.edu.

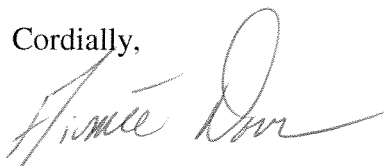
In its comments on the revised draft policy, the Academic Council asked, among other things, that the policy specifically state that the University will “defend employees who reproduce copyrighted materials in the good faith belief that they are doing so in compliance with the law.” A statement to that effect has been added. The current draft also incorporates the faculty’s suggestion to explicitly articulate the University’s responsibility to provide support for the faculty’s copyright concerns.

This Final Review draft of the revised policy was prepared by the SLASIAC Standing Subcommittee on Copyright Policy after analyzing comments received during Systemwide Review. This new draft was approved by the University’s Systemwide Library and Scholarly Information Advisory Committee (<http://libraries.universityofcalifornia.edu/slasiac>) on February 27, 2015.

Final Review is intended to advise as to the results of the Systemwide Review and how language has been refined. We do not anticipate substantive revisions during Final Review. This stage of consultation is intended to resolve prior discussions and to answer remaining questions.

Comments on this revision may be submitted to Joanne Miller (joanne.miller@ucop.edu) by **April 30, 2015**. Questions or requests for information may be directed to Joanne Miller via email or phone (510) 587-6141. The draft revised policy and all background materials may be found online at: (<http://libraries.universityofcalifornia.edu/sscp/resources>).

Cordially,



Aimée Dorr, Provost
Executive Vice President for Academic Affairs

Enclosures: Final Review draft of UC Policy on Copyright and Fair Use
Current UC Policy on the Reproduction of Copyrighted Materials for
Teaching and Research
Redline version comparing the Final Review draft and current policy

cc: President Napolitano
Members of the President’s Cabinet
Chancellors
Vice Provost Carlson

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Vice Chancellors of Research
Vice Provosts of Academic Personnel
Council of University Librarians
Members, Systemwide Library and Scholarly Information Advisory Committee
Academic Personnel Directors
Deputy General Counsel Woodall
Deputy General Counsel Drown
Executive Director Baxter
Executive Director Fox
Executive Director Tanaka
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