

***University of Maine at Fort Kent
Administrative Policy Creation/Modification Form***

Administrative Policy Type:	Academic Affairs Information Services
Initiating Department:	Library
Action Taken:	New Policy
Policy Title:	Student Property Rights Guidelines
Date of Policy Development:	2008
Date of Policy Implementation:	Immediately (moved into new template)
Next Policy Review Date:	Ongoing
Submitted By:	Leslie Kelly

Stated Policy:

Blake Library follows the UMS legal counsel and the University of Maine at Fort Kent's Academic Affairs recommendations for the protection of student work as follows. These guidelines are not meant to dissuade faculty from using student work, they simply provide the legal means by which student work may be used as teaching resources in the future.

Property Rights Regulations:

- Coursework is owned by the student/individual creating the work and may not be made public or otherwise utilized without written consent.
- Students may not be required to donate their works (writings, artwork, interviews, etc.) as a condition of a course or program.
- A faculty member may not obtain property releases from students as long as the faculty member has power over the students/creators of the works. Students must voluntarily consent to the release of their work once the course is completed and faculty have turned in their grades. Another party, i.e. library staff, should obtain written consent if the student chooses to release his/her work.
- Blake Library will enforce The Family Educational Rights and Privacy Act (FERPA) policy which states in part:
 - A school must have a student's consent prior to the disclosure of education records;
 - A school must ensure that the consent is signed and dated and states the purpose of the disclosure.

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/students.html>

Blake Library staff adheres to copyright law (Title 17, U.S. Code) and Fair Use guidelines. Copyright exemptions include:

- §108 limitation on the right of reproduction (non-profit educational libraries can make limited copies).
- §109 limitation on the right of distribution (once a lawful copy is obtained, one may distribute that copy through loan, rental or sale).
- §110 limitation on the right of public performance and display (non-profit, educational institutions can perform or display some works in the "face-to-face" classroom and virtual classroom situations).

Fair Use guidelines (§107) are as follows:

- The **Purpose** and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- The **Nature** of the copyrighted work;
- The **Amount** and substantiality of the portion used in relation to the copyrighted work as a whole; and
- The **Effect** of the use upon the potential market for or value of the copyrighted work.

<http://www.umfk.maine.edu/infoserv/library/about/services/copyright/>

Procedures:

- In the case of student conducted interviews: Interviewers must follow IRB (Institutional Review Board/Human Subjects Committee) guidelines for obtaining informed consent with respect to conducting interviews and/or collecting and utilizing data (permissions, confidentiality, etc.), but the works that are created from the interviews/materials are owned by the author/creator. The “interviewee” has no property rights with respect to what he or she says (he or she may have other rights, but not property rights).
- With respect to making student work available as a sample or guide for future work, this is a commonly accepted practice and should not be discouraged. In order to respect students’ rights, it is recommended that faculty members recommend or ask interested students to voluntarily turn the work in to a third party (library staff, division clerical support, etc.) and have the third party obtain a signed release from each student. Student work that is not picked-up within a reasonable length of time after a semester may also be used as sample student work as long as >all< identifying information and/or references are removed from the materials prior to making them public.