This procedures manual is intended to clarify basic J-School and University procedures for new faculty, staff, adjunct faculty and graduate teaching assistants. It represents a compilation of material found in the Faculty Handbook, Schedule of Courses, Academic Programs catalog and in various policy matters approved by the School of Journalism faculty. The office staff is happy to receive suggestions to the handbook.

This handbook is divided into the following sections: 1) support staff descriptions, 2) general MSU websites, 3) building information, 3) office support services, 4) teaching-related policies, 5) workshops for new instructors, 6) fun quiz on student and faculty rights and responsibilities.

SUPPORT STAFF

The School of Journalism has a variety of support staff to help you. Please use the following descriptions as a guide for each member’s responsibilities:

**Nicole Walworth, Secretary II**– Nicole tends to phone calls, walk-ins and general office support. She can place orders for office supplies as well as physical plant services. In addition, Nicole hires students and temp/on-call labor employees and submits payroll. She also maintains room keys and parking permits for visitors. Nicole updates the procedure manual and department directory as needed, and reserves conference rooms, 306 and 341. Her skills allow her to organize special events such as conferences, summer programs, endowed lectures and the annual Hall of Fame. Nicole maintains the Director’s calendar.

**Nancy Ashley, Academic Programs Coordinator** – Nancy is responsible for the graduate programs including applications, student files and degree certification. She is experienced in course-instructor linking using CLIFMS, GOF-use monitoring, incomplete/defer grades on SIS, and RO forms. The course and classroom scheduling is all handled by her. Also, her appointment is with the MIS PhD program.

**Ken Beer, Administrative Assistant** – Ken reviews all unit financial transactions and oversees the unit budget, as well as personnel and staff procedures. When an employee is hired, he takes care of the appointment and I-9 forms specifically for faculty and graduate assistants. He will assist with reappointment, promotion and tenure, termination, summer load and salary, outside work for pay and additional pay forms. Also, he will provide sabbatical and leave of absence information. His appointment also covers ADPR.

**Kim Kersten-Accounting and Research Team** – Kim is the lead contact for processing all financial transactions associated with the School of Journalism. Reimbursements and other questions (except payroll) relating to all types of accounts should be directed to her and she is located in Room 209. In addition, Kim handles travel so please check in with Kim before traveling to prepare your travel authorization, and receive guidance on travel policies in advance.

**Kelly Feinberg-Accounting and Research Team**– Kelly is a Grant Program Manager and serves as the first point of contact for all post-award needs of Journalism faculty. In this capacity, she will assist you with grant-related personnel actions, sub-award contracts, expense transactions (with ART staff), budget monitoring
and budget reporting as information for faculty serving as principal investigators, budget revisions, no cost extensions, progress reports, and effort reporting. Kelly also serves as a liaison between faculty and the MSU Contract and Grant Administration office on documentation, problem-solving and compliance issues and account close-out. Kelly is located in Room 209.

**Barb Miller, Knight Center Administrative Assistant** – General Office support for JRN, as needed.

Student workers are available for copying, scanning, typing or filing. They are responsible for retrieving the mail on a daily basis, maintaining the website, and distributing student evaluations (SIRS) when appropriate.

**GENERAL MSU WEBSITES**

For your convenience please use these websites for university policies and procedures:

- Academic Calendars-http://www.msu.edu/calendars.html
- Academic Programs - www.reg.msu.edu/AcademicPrograms
- Academic Specialists – http://fod.msu.edu/orientation/ASP_about.asp
- Board of Trustees - http://trustees.msu.edu/index.html
- Communication Arts & Sciences – www.cas.msu.edu
- Course Descriptions-www.reg.msu.edu/courses/search.asp
- Faculty Handbook - http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/index.htm
- Final Examination Schedule – www.reg.msu.edu/ROInfo/Calendar/Final Exam.asp
- Fixed Term Faculty – http://fod.msu.edu/orientation/FTF_about.asp
- Office of the Registrar – www.reg.msu.edu
- Ombudsman – www.ombud@msu.edu
- Ombudsman’s Requirements for Syllabus - http://vudat.msu.edu/msu_syllabus
- Printing Policy for Labs – https://netprint.msu.edu
- Registration for Workshop Sessions - http://fod.msu.edu/orientation/registeronline.asp
- Schedule of Courses – www.schedule.msu.edu
- School of Journalism – www.jrn.msu.edu
- Technology Help Inquires – www.infotech.cas.msu.edu
- Textbook Ordering https://login.msu.edu/?App=RO_Authorization
- Update Faculty Bio – http://cas.msu.edu/wp----admin

**BUILDING INFORMATION**

**Communication Arts and Sciences Building:** The six units in the College of Communication Arts and Sciences are the School of Journalism; Department of Telecommunication, Information Studies & Media; Department of Communication; Department of Advertising and Public Relations and Retailing, Department of Communicative Sciences and Disorders and WKAR Radio and Television. In addition, the Undergraduate Student Affairs Advising office and Sparty’s convenience store are housed in the building.
Building Hours: Monday through Thursday 7:00 a.m. to 10:00 p.m.
           Friday 7:00 a.m. to 8:00 p.m.
           Saturday closed
           Sunday 7:00 a.m. to 10:00 p.m.

J-School Main Office: Located in room 305 Com Arts Bldg. Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Office includes mailboxes, fax/copy machine, office supplies and basic kitchen.

Faculty Offices: J-School faculty offices are located on the third floor of the Com Arts Bldg. They are equipped with standard office furniture, computers, printers and phone. Wi-Fi and Ethernet connect the offices to the Internet.

TA and Adjunct Offices: Offices for T.A.s and adjunct faculty are equipped with standard office furniture and phones with local access. Computers and printers are connected by Wi-Fi and Ethernet.

Lost and Found: Located in the Dean’s office (room 287).

Office and Classroom Keys: The J-School office is responsible for distributing keys; a sign-out form is completed when keys are assigned. Faculty members are issued keys to the outside doors of the Com Arts Bldg., their assigned offices, the main office and their classrooms. Adjunct faculty and graduate assistants will be issued keys to their assigned offices, classrooms and the main office. To avoid theft, please lock all office doors, including the main office, when offices are unattended during the day or night.

Mailboxes: Mailboxes are provided for Staff, Full and Part-time Faculty, and T.A.’s, in the main office.

Building Smoking Policy: The University prohibits smoking in a public building; therefore, no smoking is allowed in the Com Arts Bldg.

Building Animal Policy: No person shall bring any animal into any University building. For more information and exceptions, please visit http://trustees.msu.edu/ordinances/ordinances_sec23.html.

Paper Recycling and Waste Paper: To recycle paper, please request the appropriate boxes from an office staff member. Discard full contents into appropriate bins in hallway. Place your waste paper basket in the hall to be emptied, as needed. MSU has a recycling center. The informational website can be found at www.recycle.msu.edu.

Office Equipment: Office equipment, such as computers and printers, is the property of the J-School and is assigned to faculty, staff or graduate students. Equipment may be removed from university premises only with the approval of the Director or Dean. Forms to check out office equipment are available from the office assistant.

Conference Room: The J-School has two conference rooms, 306 and 341 Com Arts Bldg. To reserve a room, contact the office assistant member and notify of date, time and reason needed. The conference rooms hold a collection of textbooks and journals for instructors’ use. Room 341 also contains a video library for faculty use. Please see main office to sign-out videos. Room 306 has multimedia capabilities.
Classrooms: J-School classrooms, labs and studios are located primarily on the first and second floor of the Com Arts Bldg. Use of classrooms can be scheduled for meetings through the Academic Programs Coordinator. Faculty, graduate assistants and adjunct instructors are responsible for locking classroom doors at the end of the day.

Computer Labs: The college computer labs-- six Mac and two Windows-- include at least 18 to 20 student workstations and one instructor station. Most labs have 20 computers for students, though Rooms 245 and 246 contain 18. Computers should be left on at all times, as they are controlled over the CAS data network for energy conservation purposes and are turned on in the early morning and off at the end of the day. Printing services supporting the labs is centralized in Room 241 and managed by MSU Academic Technology Services (ATS). All students should be made aware of this function, and encouraged to keep an active MSU Print Credit account to avoid printing errors due to a lack of print credits.

More information about MSU managed printing is available at https://netprint.msu.edu/. Any problems encountered with the MSU NetPrint service should be directed to the MSU NetPrint help desk, NOT the CAS technology office. Signs are posted in the Room 241 printer room with the number to call, and a telephone is installed there as well. Food, drinks, and tobacco products are not permitted in the CAS computer labs. Instructors are responsible for enforcing this rule, and should never encourage or facilitate this behavior. Any end-of-semester celebrations or other events that include food and beverages should be held in the hallway away from computer technology. Doors to the labs should be left open after each class period, and instructors should remind students to collect their personal belongings at the end of class. CAS is not responsible for the loss or replacement of personal items. Also, data that is stored on the local hard drives of the computers is the responsibility of the user. CAS is not responsible for lost data stored on the public drive space on the lab computers. Lab schedules, including open lab times, are posted near the entrance to each lab. Students and instructors are encouraged to review the schedules and note the times when labs are available for out-of-class project work. Any problems encountered with the computer hardware or room control systems (media playback, projection systems, audio playback, etc) should be directed to the CAS technology office with a service request submitted at www.infotech.cas.msu/help. Additional information regarding the use of the labs for instruction, research, or special events such as seminars, workshops, and camps is available by contacting the director of technology and facilities. (tibbals@msu.edu)

University Computer Labs: Microcomputer labs are in the MSU Union, the Computer Center, the Main Library and other buildings across campus. All public labs are connected to MSUNet and provide access to the university's host computers, Gopher, the World Wide Web and the Internet. Detailed information about public microcomputer laboratories is available in printed form in 305 Computer Center.

Employment

HIRING JRN STUDENTS/TEMPORARY EMPLOYEES/GA’s

The following items are reasons why individuals should not begin work until their appointment is approved:

- Employment Eligibility Verification Form I-9 – Some individuals have expired I-9’s, or are not eligible to work. I-9’s for new hires must be approved by Central Human Resources within 3 days of the hire date. MSU could incur hefty fines, if audited by the feds, for I-9 violations.
• **Criminal Background Checks** – Currently, temporary/on-call workers and GA’s require background checks (only certain types of student employees do). They take up to 3 days to complete.
• **Conflict of Interest** – We aren’t allowed to hire hourly employees who are related to someone in the unit. Please ask the prospective employee about this during the interview.
• **Worker’s Compensation** – Let’s say someone is working, but hasn’t been formally approved to work yet, and they sustain an injury after falling down steps in the building. This is a Human Rights nightmare, when the individual attempts to complete a Worker’s Compensation claim, this has actually happened on campus before. These are great reasons to make sure hires for students, temp/on –calls, and GA’s are fully approved before work begins.

**OFFICE SUPPORT SERVICES**

**Duplicating Services:** The copy machine is available for J-School work only. The office staff assigns codes to faculty and staff for their convenience of use. These codes are for use by the assigned person only. Requests for typing and copying can be made in the main office.

Large printing jobs should be done back-to-back or put 2 pages on 1 sheet using the print menu on your computer or the “Printing Preferences” feature on the copy machine. If you need assistance, please ask office staff.

You are encouraged to scan documents and send to students instead of duplicating them for class. Scanning also is done by the copier.

Large course packets should be duplicated by local commercial copy services for sale to students. The Main Library will keep reserved materials on hand for student use.

**Faxing Services:** The fax machine located in the copy room is for J-School business only. Cover Sheets can be found next to the machine. Please ask main office staff for assistance if necessary.

**Office Supplies:** The J-School provides fundamental office supplies, such as paper, pencils, etc, for work purposes only. Please notify main office staff of what you need. Main office staff can order printer ink for office printers. Please provide make/model of printer as well as the type of ink cartridge. Please place used cartridges for recycling on top of the recycling boxes next to the central door on the third floor.

**Telephones:** No special code (other than dialing "8" for an outside line) is needed for local calls. Telephones in faculty offices have long distance capability. The J-School pays for every call made and does not have a WATTS line. Therefore, please use the telephones for J-School business only. Please inform the office staff in the main office if you are not interested in having an office phone. Consult the university Faculty and Staff Directory for dialing directions and telephone numbers.

**Special Equipment:** Please reserve the J-School’s laptop computer, overhead projector, and audio-visual equipment through an office staff person. The staff also will order classroom equipment for you from the Instructional Media Center. Some items are free only when reserved 24-hours before scheduled use. Other equipment always includes a charge, as does a projectionist. You may order equipment for the entire semester. Student groups may use the J-School’s equipment if supervised by an instructor.
Parking: Faculty can park in the lot or structure behind the Com Arts Bldg. Annual parking stickers for faculty and staff, adjuncts and graduate assistants may be purchased from the Police and Public Safety Office on Red Cedar Road, immediately west of the Com Arts Bldg. More information for parking on campus can be found on the MSU Police website, http://police.msu.edu/index.asp.

Visitors may park in the parking structure or at the spaces with parking meters. When a parking permit is issued, the visitor does not park at the parking meters. Students may receive passes only when assigned to J-School-related business. Faculty can checkout parking passes for working during home football games from the office supervisor on a weekly basis. All parking passes are available upon request to Margie Anderson, room 305 CAS building.

TEACHING-RELATED POLICIES

The Director welcomes any discussion on teaching and other related issues or situations.

Academic Year (AY): Appointments begin August 16 and end May 15.

Classes: Instructors are expected to meet their classes regularly and at the times scheduled in the Schedule of Courses website www.schedule.msu.edu. Please notify the office supervisor or Director if you must cancel a class, so that arrangement may be taken, if necessary. If you hold class at a site or time other than the scheduled classroom or time, notify the office supervisor.

Class Lists: Check your class attendance throughout the semester to make sure the list is correct. The list can be found on the Office of the Registrar website, https://login.msu.edu/?App=RO_Authorization. Report any discrepancies to a staff person as soon as possible.

Course Syllabi: MSU instructors are required to distribute a course syllabus to their students at the beginning of the semester. Please view the webpage, http://vudat.msu.edu/msu_syllabus, which outlines university requirements of what must be in a syllabus as well as contains other helpful suggestions of content and university policies and procedures to include. A copy of the completed syllabus and office hours must be given to the main office every semester.

Course Work: Instructors are expected to return student work in a timely manner, usually by the next class period for most assignments. Any un-retrieved student work must be kept for one semester. Instructors are responsible for returning assignments to students. Please review FERPA policies on keeping grades confidential.

Drop/Add Period: Drops/Addrs are processed by students on the university computer. Students can access the computer system according to the dates indicated in the Academic Schedule of Courses and Academic Handbook.

Final Course Grades: While you may receive an e-mail each semester as a reminder you should proceed to https://login.msu.edu/?App=RO_Authorization for student grades. Information on incompletes and deferred can be found on the Ombudsman website, https://www.msu.edu/unit/ombud/incompletes.html.
Final Examination Policies: During the final week of each academic semester all courses shall meet for one 2-hour period at the date and time listed in the Final Examination Policy and Schedule on the Web at www.reg.msu.edu/ROInfo/Calendar/FinalExam.asp. During summer sessions, final examinations are scheduled in the last class sessions. This period should be used for examination, discussion, summarizing the course, obtaining student evaluation of the course instruction, or any other appropriate activity designed to advance the student’s education. For further concern, please use http://www.reg.msu.edu/AcademicPrograms/Text.asp?Section=112#s499

Graduate Assistantships: Graduate teaching assistantships are awarded based on student merit and J-School needs. Assistantship responsibilities for fall semester begin August 16th and continue through December 31st. Assistantship responsibilities for spring semester begin January 1st and continue through May 15th. Graduate assistants are not expected to work when the university is closed.

Makeup Examinations: The decision to allow students to take makeup examinations is the responsibility of the instructor or coordinator of each course. Your policy regarding makeup exams should be communicated clearly to students in your syllabus at the beginning of each semester. Please do not request the office staff to administer makeup exams or tests.

Office Hours: MSU policy requires full-time instructors to schedule a minimum of four office hours per week; graduate teaching assistants and adjuncts, two hours a week for every course assignment. Office hours must be published in your course syllabus and posted on your office door by the end of the first week of classes. Please provide the office staff with your scheduled office hours. If you are unable to hold your office hours, please notify the main office.

Student Instructional Rating System: All instructors, regardless of rank, including graduate assistants, shall use unit-approved (SIRS) student instructional rating forms in all classes (every course, every section, every term). Refer to http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/instructionalrating.htm. They are administered and returned confidentially and the instructor may review them only after final grades have been submitted.

Paychecks: Graduate assistants are issued paychecks on the 15th of the month. Faculty and temporary faculty are paid on the last day of the month. Checks will be placed in mailboxes after 2 p.m.

Textbook Ordering: In accordance with the Higher Education Opportunity Act of 2008 (HEOA), faculty are required to enter all textbook information in the following https://login.msu.edu/?App=RO_Authorization several weeks or months before classes begin. Entering your textbook and supplemental material information into this system will make it available to local bookstores for ordering purposes. If you have materials that are not normally handled by the bookstores, you will need to enter the information into this system and also make appropriate arrangements with a supplier.

E-Mail Accounts: All faculty, staff and adjuncts may register for a university E-mail account. TA’s are assigned an E-mail account upon being admitted to the university.
Workshops for Instructors

Technology Orientation (For Fixed Term Faculty and Academic Specialists)

Technology Orientation sessions provide a basic overview of technology used at MSU. New faculty and academic specialists are encouraged to attend. Please sign-up for these sessions using the following website http://fod.msu.edu/orientation/registeronline.asp.

LILLIE TEACHING SEMINARS: Available to all faculty and doctoral students
http://fod.msu.edu/lillyseminar/about.asp

Getting Started at MSU: An Overview of Faculty Responsibilities and Regulations Related to Accessing and Protecting Student Information (For Fixed Term Faculty and Academic Specialists)

This workshop will begin with an overview of the Family Educational Rights and Privacy Act (FERPA), including a review of students’ rights, directory information, restrictions, access to student information, and guidelines for protecting confidential information. Other compliance-related requirements will also be summarized and participants will be introduced to instructor systems and resources. The Office of Faculty and Organizational Development (F&OD) will then review MSU’s Code of Teaching Responsibility and best practices in course syllabi. Participants will receive a checklist for syllabus development, see examples, learn strategies to get students to read the syllabus, and review recommended faculty development resources.

If you would like to update your faculty bio, please follow these steps:

1. Enter this URL into your browser: http://cas.msu.edu/administrator/
2. Click "User>User Manager" on the green navigation bar
3. Navigate to your name and click on it
4. Make any edits necessary
5. Click "Save & Close"

Updates will immediately appear on the website.
MICHIGAN STATE
UNIVERSITY

August 4, 2011

MEMORANDUM

TO: Deans, Directors and Chairpersons

FROM: Kim A. Wilcox
Provost and Vice President for Academic Affairs

SUBJECT: University Policies and Resources

As the new academic year approaches, we take this opportunity to highlight certain University policies and resources that merit close attention by administrators and faculty. You will note some of these have recently been revised and several have specific expectations for units. I would ask that you remind your unit faculty and staff of these policies, their importance, and where they can learn more about them. Information on each of the listed items is available at the websites provided.

- Sexual Harassment
  http://www.inclusion.msu.edu/_files/SexualHarassmentPolicy.pdf

  The Sexual Harassment Policy has recently been revised and should be provided to all faculty and staff within your unit. Please note that the policy requires every college and major administrative unit to designate a contact person who is trained to answer questions and provide information about the policy. Questions about this requirement may be directed to the Office for Inclusion and Intercultural Initiatives at (517) 353-3922.

- Consensual Amorous Relationships
  http://www.hr.msu.edu/documents/facacidhandbooks/facultyhandbook/COI_EducResp.htm

  Consensual amorous or sexual relations between faculty and students are strongly discouraged. The Conflict of Interest in Educational Responsibilities policy prohibits a faculty member from assuming or maintaining educational responsibility for a student with whom the faculty member has engaged in amorous or sexual relations. The faculty member must immediately disclose the amorous or sexual relationship to the appropriate unit administrator. If you have any questions about this policy, please contact Academic Human Resources at (517) 353-5300.
• Student Risk and Review Committee
http://www.counseling.msu.edu/SRRC

Faculty or administrators who become aware of troubling student behavior are encouraged to contact the Student Risk and Review Committee (SRRC). The SRRC exists to coordinate the response of multiple campus offices to students who are experiencing behavioral difficulties, problems, or crises related to campus or academic life. Questions about the SRRC may be directed to the Counseling Center at (517) 355-8720.

• Conflicts of Interest, Faculty
http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/facultyCOI.htm

The Conflicts of Interest policy addresses the disclosure, review, management, and resolution of conflicts of interests relating to faculty performance of their research, teaching, outreach, and service responsibilities. A conflict of interest exists when a faculty member’s financial interests or other opportunities for tangible personal benefit may compromise the faculty member’s independent judgment. Each faculty member is responsible for disclosing his/her own conflicts of interest. Questions about this policy may be directed to the Faculty Conflict of Interest Information Officer in the Office of the Vice President for Research and Graduate Studies at (517) 353-1768 or fcoioi@msu.edu.

• Outside Work For Pay
http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/outsideWork.htm

The Outside Work for Pay policy discusses faculty members’ obligation to obtain written approval before engaging in paid work outside the University. The Policy applies to work such as consulting and expert witness testimony, as well as any work for a faculty-owned business. The policy permits faculty to obtain approval to engage in outside work for pay for a total average of four days per month (calculated as one full day for any portion of a day that is spent engaged in outside work), provided that the work will enhance the faculty member’s expertise as a teacher and scholar and all other policy requirements are met. If you have any questions about this policy, please contact Academic Human Resources at (517) 353-5300.

• Patents
http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/patents.htm
The Patents policy governs the ownership, patenting, and licensing of University inventions. Questions about this policy may be directed to the Office of the Vice President for Research and Graduate Studies at (517) 355-0306.

- Sponsored Research and Creative Endeavor
  http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/sponsoredresearch.htm

  The general statement and guidelines concerning sponsored research discuss the standards of procedure in government or industry-sponsored research conducted at the University. These guidelines reference important issues confronting faculty, such as giving away publication rights to receive funds or obtaining appropriate approvals for research projects involving use of animals, human subjects or hazardous substances. If you have any questions about these guidelines, please feel free to contact the Office of the Vice President for Research and Graduate Studies at (517) 355-0306.

- Code of Teaching Responsibility
  http://www.hr.msu.edu/documents/facacadhandbooks/facultyhandbook/codeofteaching.htm

  The Code of Teaching Responsibility policy sets forth faculty members' instructional obligations, including developing course content and syllabi, informing students of grading criteria, handling testing documents and term papers, holding regularly scheduled classes, and being accessible to students. The policy also prohibits students from commercializing course notes and materials without the written consent of the instructor. Questions about this policy may be directed to the Office of the Ombudsman at (517) 353-8830.
MICHIGAN STATE UNIVERSITY

August 1, 2011

MEMORANDUM

TO: Michigan State University Faculty

FROM: Provost Kim Wilcox

RE: Michigan State University Religious Observance Policy

The next few weeks bring us into a season when many in our community will be observing religious holidays. Among others, both Ramadan and Rosh Hashanah occur within the first month of the semester. As you plan major assignments, it may be helpful to refer specifically to a religious holidays calendar like the one at http://www.pbs.org/wnet/religionandethics/multifaith-calendar/.

It bears remembering that it has always been the policy of the University to permit students and faculty/academic staff to observe those holidays set aside by their chosen religious faith.

Faculty and staff should be sensitive to the observance of these holidays so that students who absent themselves from class on these days are not seriously disadvantaged. It is the responsibility of those students who wish to be absent to make arrangements in advance with their instructors. Without another simple and dignified way to determine the validity of individual claims, the claim of a religious conflict should be accepted at face value. Please consider the ways in which these planned absences can be fairly and respectfully accommodated.

As an institution, we are committed to the value of inclusion, and so our practices must conform to our commitments. I am confident that working together we can continue to build an environment that supports and fosters diversity and inclusiveness.

Additional information on MSU's Religious Observance policy can be found on the website of the Office of Inclusion and Intercultural Initiatives, www.inclusion.msu.edu

MSU is an affirmative-action, equal-opportunity employer.
MEMORANDUM

TO: Faculty/Academic Staff
FROM: Kim A. Wilcox, Provost
DATE: August 4, 2011
SUBJECT: Use of Copyrighted Materials at Michigan State University

As an academic research and teaching institution, Michigan State University is both a creator and consumer of scholarly and creative works protected by copyright law. As producers of intellectual works, we benefit greatly from these protections. Conversely, in our role as consumers of others' works, we have equally important responsibilities to respect the rights of other owners of intellectual property. It's not surprising then, that I often receive questions concerning the use of third party copyrighted material for instructional use and other purposes. The following memo attempts to summarize many of these questions and provide initial direction to those struggling with them. I encourage you to read this carefully and seek out the suggested resources should you have additional questions.

Copyright law gives authors of original works of expression a number of exclusive rights, including the right to reproduce, distribute, and display the work and to prepare "derivative works" based on the original. These rights attach automatically the moment a work is created. No formal steps are required to secure rights, nor does a work need to be published or include a copyright notice (©) to be protected. For most works, copyright lasts for the life of the author plus 70 years. It is safe to assume that virtually all modern third party material you use or wish to use in your teaching and scholarship is protected by copyright. By contrast, any work authored before 1923 and all U.S. government works are in the public domain and may be used without permission or reliance on an exception.

Ordinarily, permission from the copyright owner is required before one may exercise any of the owner's exclusive rights. However, the rights of a copyright owner are not absolute. To encourage certain especially valuable and
productive uses, copyright law carves out certain exceptions to the owner’s otherwise exclusive rights, particularly in the realm of education and research.

Three of those exceptions are widely applicable to many of us within the University. Two of those dealing with face-to-face classroom instruction and distance education are described in detail in Attachment A. A third exception, known as “fair use,” is much broader and may apply in any context in which third party copyrighted material is used. In the broadest sense, fair use permits the limited use of copyrighted material without the owner’s permission when the social benefit of the use outweighs the potential harm to the copyright owner. The uses considered most likely to generate such benefits — and which are most likely to be covered by fair use — include criticism, comment, news reporting, teaching, scholarship, and research. Fair use is a notoriously challenging area of copyright law. Attachment B provides a more comprehensive explanation of the fair use exception. For additional information and assistance about the application of the various copyright “safe harbors,” contact the MSU Copyright Librarian, Amy Blair (email: blaira@msu.edu). The Library’s copyright consultants work closely with the Office of the General Counsel on complex questions involving copyright “safe harbors.” In the event a policy issue arises with respect to, for example, the level of risk acceptable to the University when its faculty or academic staff wish to assert the fair use exception, the Office of the Provost is consulted for a final determination.

In addition to these legal exceptions, there are other options that provide protection for the use of some works. In particular: (a) your intended use may be covered by a subscription license obtained by the MSU Library (http://copyright.lib.msu.edu), (b) a license may be available from the Copyright Clearance Center (visit www.copyright.com), (c) certain uses of the material may be permitted under a Creative Commons license or similar public license such as a GNU free software license, (d) you may link to the material if it is freely available on a legitimate website (such as the author’s website or an open access journal), or (f) permission or a license may be available directly from the author or copyright owner. The Library’s copyright consultants can assist you in determining if any of these apply to your situation, as well; and remember you may freely use any material in the public domain.
For those of you preparing course materials, we have a special program to assist you in securing permissions from copyright holders. For information regarding course pack permissions or electronic use with a course pack, visit the MSU Libraries’ Course Materials Program, http://www.lib.msu.edu/about/coursemat/index.jsp, or contact Lynne Woods (email: coursematerials@mail.lib.msu.edu, phone: 517.884.4648). For more information about department-funded permission requests, visit MSU Libraries’ Copyright Permissions Library’s Copyright Permissions Center: http://copyright.lib.msu.edu or contact Cecilia Malilwe (email: permissions@mail.lib.msu.edu, phone: 517.884.0868).

What I’ve covered here addresses the use of U.S. works only. The protections afforded foreign works in the U.S. and the extent to which one may use such a work without the author’s permission depends on the particular country from which it originated and other factors.

Please also note that this memo concerns the use of third party copyrighted materials rather than the development and ownership of copyrighted material within the MSU community, which is governed by MSU’s Development of Copyrighted Materials Policy (“Copyright Policy”). The Copyright Policy may be found in the Faculty Handbook: http://www.hr.msu.edu/documents/facacahandbooks/facultyhandbook/copyrightedmaterial.htm. In addition, the “Copyright Handbook” is a valuable resource: (http://www.technologies.msu.edu/copyright.html).
ATTACHMENT A

A. Display/Performance of copyrighted materials during face-to-face instruction

The Copyright Act allows educators at nonprofit educational institutions such as MSU to display and perform copyrighted works without the permission of the copyright owner in the course of face-to-face instruction in a classroom or other comparable location dedicated to teaching. Under this exception, educators may show videos, display slides, read poetry, play music and engage in any other performance or display of copyrighted works in a live classroom setting without the permission of the copyright owner. To qualify, the work must be a legitimate copy (not illegally acquired or produced) and used as part of a course of instruction rather than for entertainment purposes. A copyright notice should be included when possible.

This privilege applies only to the display and performance of copyrighted works. Exercising other rights reserved to the copyright owner — such as making copies and distributing the material to students — is not within the scope of this exception but may nonetheless be a permissible “fair use,” a separate exception described more fully in Attachment B.

B. Display/Performance of copyrighted materials in distance education

The Teaching, Education and Copyright Harmonization Act of 2002 ("TEACH Act") addressed educators' desire to use third party copyrighted materials in distance education by allowing the transmission of certain types of works over digital networks to closed groups of students. However, the privilege is subject to a long list of requirements and limitations, leading many educators to rely on the broader "fair use" privilege when using copyrighted materials in the course of online instruction.

The TEACH Act is limited to the electronic transmission of the following works: (a) performances of nondramatic literary works in their entirety (such as a recording of a book being read aloud), (b) performances of nondramatic musical works in their entirety (such as a recording of a music concert, but not an opera or a musical), (c) reasonable and limited portions of audiovisual works and dramatic literary or musical works (such as a clip from a film, television
show or musical), and (d) displays of any other work (displays are showings of static works such as images, paintings, charts, etc.) in an amount comparable to what would be typically used in the course of a live classroom setting.

For example, to be authorized by TEACH, a professor who wishes to post to a website an excerpt from a documentary film as part of a film studies course may only show a "reasonable and limited" portion of the work. Whether the clip meets this standard depends on the instructional purpose of its use (e.g., could the same pedagogical goals be achieved using less?) and the nature of the market for that type of work. If, for instance, the work is commonly licensed for educational use, a comparatively smaller portion is likely to be judged as "reasonable and limited" compared to a work that is commercially unavailable. Also relevant to the "reasonableness" standard is whether the clip shown is comparable in duration and quantity to what would commonly be shown in a physical classroom.

The professor's documentary excerpt must not be among the many types of material specifically excluded by the TEACH Act. In particular, the Act does not cover: (a) materials produced or intended for distance education or for use in online instruction, (b) materials typically purchased by students (such as textbooks, course packs, study guides), (c) materials that were not created or obtained legally (e.g., "bootleg" copies),¹ or (d) material not performed or displayed, such as supplemental readings intended for students to print or download.

Additionally, to fall within the TEACH Act exception, the copyrighted material must be: (a) directly related to and of material assistance to the instructor's teaching, (b) an integral part of a class session offered under the supervision of the instructor, (c) offered using reasonable technological measures to limit access to the materials to students officially enrolled in the course, and (d) provided with notice to students that the materials used in connection with the course may be subject to copyright protection. Recommended technological safeguards include using a password-protected class website such as one

¹ The TEACH Act permits educators to digitize an analog version of the work for use in distance education, but only to the extent the digital version is subject to technological protection measures that prevent its copying (e.g., encryption).
available through ANGEL and "streaming" the content rather than making it available for download.

It should be emphasized that a use of copyrighted material that is not permitted by the TEACH Act or the exception covering face-to-face classroom instruction may nonetheless constitute a "fair use." Accordingly, if you conclude that your use does not fall within the scope of the TEACH Act or face-to-face classroom exception, consider whether the use is authorized as a "fair use" using the test described in Attachment B.

Additional Resources

More information about the requirements of both the TEACH Act and the face-to-face classroom exemption is available from:

- The University of Texas Libraries:
  http://copyright.lib.utexas.edu/teachact.html

- American Library Association:
  http://www.ala.org.Template.cfm?Section=Distance_Education_and_the_TEACH_Act&Template=/ContentManagement/ContentDisplay.cfm&contentID=25939
ATTACHMENT B

Fair Use

Assessing the applicability of the “fair use” exception requires a case-by-case balancing of four factors stated in the Copyright Act, namely: (a) the purpose and character of the use, (b) the nature of the copyrighted work, (c) the amount and substantiality of the material used, and (d) the effect of the use on the market for or value of the work.

While these factors provide some structure, the overall inquiry is not easily reducible to clearly defined rules. Each proposed use should be independently examined using the four factors. A careful and comprehensive balancing of all the factors is essential, as no factor, no matter how weighty, is dispositive.

Significant protections are provided under copyright law if one makes a good faith attempt to apply the fair use test and reasonably believes the use to be protected, even if a court ultimately finds the use is not fair. For that reason, it is highly recommended that you document your analysis and retain it in your course file or research materials, as a record of this type can help show that a reasonable, good faith inquiry was made before use of the copyrighted material began. To inform that process, additional information concerning each factor of the fair use test follows below.

a. The purpose and character of the use

The use of copyrighted materials for noncommercial purposes, particularly those involving education, criticism, or commentary, is more likely to be protected by fair use than commercial uses. An assessment of the character of the proposed use generally focuses on the extent to which the use is “transformative,” that is, how different the purpose of the new use is from the original. For example, using a newspaper article as part of a larger critique of the media is transformative insofar as the purpose of that use differs from the original purpose of the article, which was disseminating news. By contrast, using material from an instructional text for purposes of coursework is unlikely to amount to a transformative use because its purpose is no different than the purpose for which the text was intended. Such a finding would tend to disfavor fair use and perhaps even offset the positive effect of a noncommercial, educational use.
b. The nature of the copyrighted work

This element of the fair use test recognizes that the scope of copyright protection varies depending on the amount of expression embodied in a work, with expressive works provided greater protection than those comprised of facts, data, or information. Fair use is more likely to be found when the original work consists of content such as scientific principles, historical facts, and statistical data, as compared to more expressive works like poetry, art and fictional works. Identifying where on this spectrum the work from which you wish to borrow falls is an important part of the “fair use” analysis.

c. The amount and substantiality of the portion copied

The third fair use factor examines the amount and substantiality of the copying in relation to the work as a whole, focusing particularly on whether the amount and value of the material taken is reasonable in relation to the purpose of the use. In the educational context, questions to ask include: Is the use excessive given my instructional aims? Could the same pedagogical goals be achieved using less material? Is the portion copied the “heart” of the work (e.g., the conclusions or executive summary of a paper or the most newsworthy portions of an interview)? Answers in the negative would favor a finding of fair use.

Depending on the other factors, using the whole work may be fair in rare cases, while taking a small excerpt in other cases may not.

d. The effect of the use on the market for or value of the work

The most important factor of the fair use test examines the effect of the use on the market for or value of the work. This criterion considers possible harm to both current and potential markets for the work and those of potential “derivative works” (such as translations, dramatizations, or adaptations).

Relevant questions include: If my use became widespread, how would the market for the work be affected? Is the work commercially available for my proposed use (through a license or otherwise)? If so, does my use of the work

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2 The selection or arrangement of data may be protected by copyright law as a compilation, but data in itself is not copyrightable.
act as a market substitute for the appropriated work or make its purchase unnecessary?

The outcomes of the analyses under the other three fair use factors (particularly the first and third) will be relevant to this market analysis. For example, making a noncommercial, transformative use of a work (factor a), and using a reasonable amount of the work given the purpose of the use (factor c), is less likely to negatively affect the market for the original work than a commercial, non-transformative use of the entire work.

The wider the distribution of the work – and the weaker the limits on its accessibility – the greater the potential for a harmful market impact. This is particularly relevant to online uses, which underscores the importance of using technological safeguards and other measures to ensure that access to the work is no broader than intended (e.g., using a password protected website; streaming content rather than making it available to download) and no longer than intended (terminating access at the end of the class session or semester). Even if one is making a noncommercial use of a work and the other factors favor fair use, if one makes the work available to the world, even unintentionally, an assertion of fair use could be significantly weakened, given the potential harm such unrestricted access could have on the market for the work.

*Additional Resources*

A wealth of information is available about the fair use doctrine in copyright law, including:

- Stanford Copyright and Fair Use Center: [http://fairuse.stanford.edu/](http://fairuse.stanford.edu/)

- University of Texas Libraries’ “Copyright Crash Course”: [http://copyright.lib.utexas.edu/copypol2.html](http://copyright.lib.utexas.edu/copypol2.html)

- Center for Intellectual Property, University of Maryland University College: [http://www.umuc.edu/distance/odell/cip/links_fairuse.shtml](http://www.umuc.edu/distance/odell/cip/links_fairuse.shtml)
“The principles of truth and honesty are recognized as fundamental to a community of teachers and scholars. The University expects that both faculty and students will honor these principles and in so doing protect the validity of University education and grades. Practices that maintain the integrity of scholarship and grades include providing accurate information for academic and admissions records, adherence to unit-approved professional standards and honor codes, and completion of original academic work by the student to whom it is assigned, without unauthorized aid of any kind. To encourage adherence to the principles of truth and honesty, instructors should exercise care in planning and supervising academic work . . . “ (from the MSU Integrity of Scholarship and Grades policy) “

Helpful explanations can be found on the Ombudsman website.

1. Instructors are required to prepare and distribute a written (on paper or online) course syllabus for each course they teach.

2. Instructors cannot change their course syllabi after the beginning of the semester.

3. Instructors must include an attendance policy in their course syllabi.

4. Instructors are required to explain, in their course syllabi, how they will handle acts of academic misconduct.

5. An instructor’s syllabus must inform students of the grading criteria and the method used to determine final course grades.

6. The content of a course, as it appears in the course syllabus, must be consistent with the description approved by the University Curriculum Committee and the Academic Council.

7. A student can request an academic grievance hearing to contest a grade if the student believes the instructor failed to provide a “good faith judgment of performance.”

8. Instructors may speak freely to parents about their offspring’s academic performance.

9. To receive an incomplete grade marker, students must document that a compelling reason, such as a serious illness, prevented them from completing their assignments.

10. A student may face sanctions in addition to a penalty grade for academic misconduct only if the student’s instructor or dean calls for an academic disciplinary hearing.

11. Instructors are required to retain unreturned or unclaimed student work, including exam questions and answers, for one semester.
12. Instructors may allow a student who cannot register because of a financial-aid problem to attend class sessions while the student resolves the problem.

13. Instructors may call the Department of Police and Public Safety to remove disruptive students from their classrooms.

14. Instructors are required to inform their students by an electronic message when the instructors cannot attend class.

15. Instructors must schedule at least two office hours a week for each course they teach.

16. An instructor may permanently dismiss a student from the class if the student commits an act of academic misconduct.

17. A student may request an academic grievance hearing to contest a grade based on an allegation of instructor incompetence.

18. In an academic grievance hearing to contest an allegation of academic misconduct, the student, not the instructor, must bear the burden of proof.

19. Instructors are required to fail students in the course when students engage in academic misconduct.

20. A student who receives a failing grade in a course for cheating may drop the course if the academic misconduct occurs before the middle of the semester.

21. An instructor who issues a penalty grade for academic misconduct must complete an Academic Dishonesty Report form.

22. First time offenders of the Integrity of Scholarship and Grades policy must complete an educational program on academic integrity.

23. Instructors are required to review emergency classroom procedures at the beginning of each course they teach.

Bonus: Which of the following constitutes an act of academic misconduct? (a) Violation of regulations prohibiting academic dishonesty (b) falsifying student records (c) falsifying admission records (d) violating tutes an act of academic misconduct? (a) Violation of regulations prohibiting academic dishonesty (b) falsifying student records (c) falsifying admission records (d) violating professional standards.