



FORT HAYS STATE UNIVERSITY

FORSYTH LIBRARY

Forward thinking. World ready.

Forsyth Library – Special Collections

POLICY TITLE: **Forsyth Library Special Collections Reproductions and Permissions**

POLICY PURPOSE: This policy applies to situations when the reproduction and display of materials held by the Forsyth Library Special Collections exceed the allowances made under Fair Use. Further, this policy describes terms for reproducing and obtaining permission to publish those materials.

BACKGROUND: The Forsyth Library Special Collections seek to support the educational and research mission of the university and the library by collecting and preserving original manuscripts, books, and other items in various formats with an emphasis on items that document various aspects of Kansas history.

Special Collections makes its collections accessible to a broad spectrum of users: the Fort Hays State University community (faculty, staff, and currently enrolled students), affiliates, visiting researchers, publishers, media outlets, and the general public.

The collections are intended primarily for research, but may also be used for exhibit, publication, and other appropriate purposes.

It is understood that all users of Forsyth Library Special Collections are bound by copyright laws codified in [Title 17 of the United States Code](#).

APPLIES TO: This policy applies to any person, company, or institution wishing to reproduce, whether in person or by request, or publish digital and physical materials held by Forsyth Library Special Collections for purposes that exceed allowances made under Fair Use.

DEFINITIONS: Special Collections - unique materials held by Forsyth Library which, because of their content, value, condition, rarity, or irreplaceability, are housed separately from other library collections

Reproduction – the creation of a physical or digital copy of materials held in the Forsyth Library Special Collections.

License – expressed, written consent granted by Forsyth Library Special Collections allowing the licensee limited, non-exclusive permission to use a reproduction or reproductions in a commercial / for profit project

Guests – persons who are not currently employed FHSU faculty, staff, or affiliates or not currently enrolled as FHSU students

Affiliates – employees of affiliate organizations such as the Fort Hays State University Foundation or Alumni Relations. Visiting researchers from other universities while on campus.

Fair Use – refer to [17 U.S. Code § 107: Limitations on Exclusive Rights: Fair Use](#)

Applicant – any person requesting reproductions of Forsyth Library Special Collections' materials and/or permission to publish them

POLICY STATEMENT: Materials in the Forsyth Library Special Collections are available for use by FHSU faculty, staff, currently-enrolled students, affiliates, and guests primarily for research purposes.

Reproductions

Applicants may request reproductions of both digital and physical materials held in the Special Collections of Forsyth Library. Applicants wishing to use or otherwise display reproductions in a manner that exceeds the allowances made under Fair Use must complete and submit the [Special Collections' User Agreement](#) stipulating the:

- Special Collections materials under request for reproduction;
- Holder of the material(s) common law copyright or literary property (e.g., FHSU, a third party, or in the public domain);
- Purpose of the request (non-commercial or commercial / for profit);
- Applicant's relationship with FHSU (FHSU student, faculty, or staff, affiliate, publisher, media outlet, or guest).

All User Agreements are reviewed by library staff. Requests may be denied or limited based on factors such as copyright compliance, donor restrictions, or the condition of the item. Forsyth Library reserves the right to refuse a reproduction request if, in its judgement, fulfillment of the order would involve violation of copyright law.

The copyright law of the United States ([Title 17, United States Code](#)) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproductions.

One of these specific conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If an applicant makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that applicant may be liable for copyright infringement.

The applicant will adhere to the [user agreement](#) and the provisions of copyright law.

The applicant is responsible for any costs associated with the reproduction or retrieval of the requested materials, assessed according to the fee schedule posted on the Special Collections’ Fees and Licensing webpage.

Permissions

Permission must be specifically granted by the copyright holder in order to publish, exhibit, or otherwise display library materials as part of a commercial / for profit project.

If Forsyth Library does not own the copyright, it is the applicant's sole responsibility to determine the copyright status and to obtain any required permissions from the copyright holder and pay any copyright fees. The applicant must provide written permission from the copyright holder to the library prior to receiving any reproductions.

In instances where Forsyth Library does own the copyright, all applicants falling under the category of guests are required to pay a one-time, non-exclusive license (as defined above) fee ***in addition*** to any costs associated with the reproduction or retrieval of the requested materials, assessed according to the fee schedule posted on the Special Collections’ Fees and Licensing webpage.

EXCLUSIONS OR SPECIAL CIRCUMSTANCES:

RELATED DOCUMENTS: [Special Collections User Agreement](#)
 [User Agreement Best Practices Flowchart](#)
 [Fee Schedule](#)

RESPONSIBLE OFFICE: Forsyth Library

RESPONSIBLE UNIVERSITY


OFFICIAL: Dean of Forsyth Library

ORIGINATION DATE: January 2020

REVIEW CYCLE: Every three years

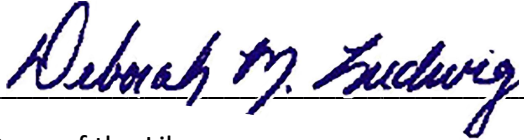
POLICY ADDRESS: <https://www.fhsu.edu/library/admin/policies/index>

Approvals:



01/03/2020

Coordinator, Special Collections Date



01/03/2020

Dean of the Library Date