

Resolution 1998-12. Endorsing Creation of an Office of Scholarly Communication.

The Faculty Council resolves:

The Faculty Council recommends the establishment of an Office of Scholarly Communication. Its purpose should be to support the University's teaching, research, and service missions in matters related to the creation, dissemination, and use of scholarly information. The Office should assist members of the University community in dealing with copyright issues that arise in the course of creating original work and in the use of existing copyrighted works for teaching, research, and service, and should offer legal advice when appropriate. The director of the Office should be a licensed North Carolina attorney reporting jointly to the associate provost for university libraries and the university counsel.

Comment by the UNC-CH Copyright Committee.

Faculty, students, and staff at the University of North Carolina at Chapel Hill face complex issues related to the use of copyrighted material in teaching, research and publication. Few in the community are well versed in the fundamentals of copyright law, and many are not taking full advantage of fair use because they do not know what is legal. Faculty need help in determining fair use of copyrighted works in paper and electronic formats and legitimate uses of copyrighted material in distance learning and multimedia components, but have no clearly defined campus agency for assistance on copyright issues.

The University needs a mechanism for promoting awareness of copyright law in the community and for providing specific guidance to individuals faced with questions related to use of copyrighted materials. An office assigned this responsibility would bring greater efficiency to efforts to resolve copyright issues as well as consistency in practice across the campus. Responsible decision making requires that individuals within the community know the fundamentals of copyright and how to apply them in typical situations. The University may be open to significant liability risks if it does not attempt to provide this general awareness and specific guidance when needed.

The issues related to ownership of copyrighted materials have become too complex for individual faculty to maintain necessary awareness without assistance. If the faculty and the University are to successfully negotiate to retain or share critical rights, legal advice must be provided. The faculty also lacks a means to maintain awareness and a working understanding of ongoing judicial interpretations of copyright law and proposed changes in laws. In addition, the University needs a focal point for the development and evolution of intellectual property policy that is responsive to changes in the legal and scholarly communications environment.

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