

# **CODE OF PRACTICE REGARDING ACCESSIBILITY OF STUDY MATERIAL FOR STUDENTS**

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## **Operative Summary**

- 1. A teacher who wishes to make reading material accessible to students in the course will prepare a detailed list of the items included in the bibliography for the course.**
- 2. Of these items, all the articles and sections of books that are available on the electronic database in the library, will be made accessible to students through links to the existing databases at the University, in consultation with the library. In such cases there are no quantitative limits, for these databases are generally accessible to students in their entirety.**
- 3. Articles and portions of books (excluding books of poetry) that are not available in digital form, may be made accessible in the format of readers, electronic reserves or e-learning environment, with a quantitative limit of 20% of the number of pages in the book. Accessibility will be in accordance with this code of practice.**
- 4. In every case of doubt or uncertainty, the staff of the library or the office of the legal advisor of the University must be consulted.**

## **Introduction**

1. At the Hebrew University, as at most of the institutes of higher education in Israel, there is a long-standing tradition of assisting students by providing access to parts of the required reading material. The aim of this Code of Practice is to determine the binding mode of operation in connection with making material from the course bibliography available to students in the three ways that are standard at the University which are “electronic reserves”, “readers”, and “e-learning environments” such as Moodle and EDUPORTAL. This is referring to texts such as academic articles and chapters of books which students are required to read as part of the course.
2. According to the Copyright Law, “fair use” of a work is permissible, *inter alia* for the purpose of teaching and examinations in institutes of higher education. The Law does not define the circumstances under which use is considered “fair”, nor does it define the scope of permitted use. In this regard, the Hebrew University has decided to adopt the principles that were established at the inter-University forum with respect to handling of reading material required for the purpose of teaching. The Document of Principles of the Forum for Accessible Education, which was adopted by the Hebrew University in a previous Code of Practice published in 2011, is attached to this Code.
3. Recently, a legal process conducted between the publishers “Schocken” and “Bialik” concerning the extent of permitted use of books published by these publishers ended in a mediation agreement, The mediation agreement adopted most of the principles of the Document of Principles of the Forum for Accessible Education, but it also contains several updates and corrections concerning the mode of implementation of the

principles. The agreement is attached to this Code.

4. This updated Code of Practice is designed, therefore, to reflect both the principles of the Document of Principles of the Forum for Accessible Education as well as the provisions of the mediation agreement, and its aim is to clarify to lecturers how they should act in order to make the material accessible, while preserving the copyrights.

#### **Permitted Use of Works for Teaching Purposes - General**

5. This Code of Practice deals with “electronic reserves”, “readers” and “online learning environments” only, and does not deal with other means by which reading material is made accessible to students.
  - \* “Readers” are a printed and bound collation of reading material that is sold to students at cost by the Unit for Office Services of the University.
  - \* “Electronic reserves” are reading materials that are scanned and preserved in various computer systems of the University in the libraries (including in the “Shemer” system in the library) in order to make them available for study by the students of the course.
  - \* E-learning systems – such as “Moodle” and “EDUPORTAL” – digital platforms that serve a course, in the framework of which the teacher uploads various study materials, holds discussions between the students, sets assignments etc.
6. At times it is necessary to refer students spontaneously to a new publication, to the daily press etc. In addition, it is often possible to refer to material that is published legitimately on internet sites that are open to the public. The spontaneous referral of students to material that the lecturer sees fit, or referral to material in the public domain on internet sites, is not included in this Code.

Until additional guidelines are formulated, the lecturer must exercise independent discretion as to how to proceed in such cases, in a manner that will serve the needs of teaching and will not infringe the rights of others, all in the spirit of the provisions of this Code.
7. In general, the purpose of permitted use is to make reading material accessible only to students of the course, and not to the entire student body of the University. Therefore, the University takes steps to ensure, insofar as possible, that only students of the relevant course will have access to the material. In addition, there will be access for members of academic staff and relevant administrative staff of the University.
8. Most of the reading material that appears of the syllabi of academic courses is articles that have been published in journals, and parts of academic or theoretical literature. A large part of the journals and the books today are published electronically, and the Hebrew University has a subscription that allows free access to journals and books for all its students and teachers. In such cases, there is usually no need for special action to make reading material accessible, and the students themselves can refer (sometimes by way of a link) to the required item. On this matter, the staff of the library in the relevant faculty should be consulted. However, there are still many journals that are not published in electronic format, and hundreds of thousands of books that were published

only in the printed version: with respect to these, this Code of Practice must be followed.

9. With respect to **the words of songs**, rules have not yet been formulated and the words of songs are not covered by this Code. Because the words of songs are available to the public in various ways, there is usually no need for special action to make them accessible. Insofar as there is a need to make the words of songs accessible in the framework of a reader or in the framework of electronic reserves, the Office of the Legal Advisor of the University should be consulted.
10. In any event, accessibility of reading material for the students of the course is a right of the students and not an obligation. A student may not be obligated to buy a printed reader, and each student is entitled to choose the way that suits him to obtain the reading material, including the purchase of books, loan of books from University libraries, or any other suitable way of his choice.

#### **Scope of Permitted Use**

11. Regarding **books** (other than books of songs), permitted use is **up to 20% of the number of pages in the book**.

The calculation is made for each reader of learning environment of an individual course or for the purpose of a list of “electronic reserves” for each individual course (in other words, the extent of use is calculated separately for each course).

Calculation of the part that is permitted for use will be made according to the total number of pages in the book, from the front cover until the back cover, including the contents and indices, where such exist.

In the case of a series of books consisting of several volumes, each volume is considered as a separate book.

12. In relation to **academic articles** which are published as part of an academic journal or as part of a book which is a collection of articles and which do not appear in electronic journals, it is permitted to use the entire article, from a book which is a collection of articles or a journal, with respect to each course. If in the framework of a single course it is necessary to use more than one article from a book that is a collection of articles, the extent of permitted use is up to 20% of the total number of pages in the book of articles, as aforesaid in section 11.
13. Items that are not a part of a book and are not an article, are likely to be e.g., a photograph of a work of art, a graph or chart describing the results of research, and other such items. Normally, use of such an item is permitted in its entirety, since there is no real value in presenting only part of the item. There may be cases in which it will be necessary to make reading material accessible that deviates in extent from that specified above, or material that arouses uncertainty.

In every case of doubt, making material accessible by way of “electronic reserves” or “readers” shall be checked by the Office of the Legal Advisor.

### **Special Provisions Regarding the Target Audience**

14. According to the University guidelines, material that has been made accessible pursuant to this Code will be available only to students of the course (by means of entering the system with an identity number and password) for the duration of the course and the examinations. In addition, the items will be accessible to the academic staff and the relevant administrative staff.

### **E-Learning Environment (e.g. Moodle)**

15. In order to ensure compliance with the rules and principles that have been set, reading material that is made accessible through an e-learning environment (such as Moodle) by lecturers and on their responsibility, will be done after filling out a compulsory form when logging into the system.

16. Rendering material accessible on Moodle shall be done by way of a link to the accessible material through the library.

Articles of sections of books that are accessible in the library in digital format shall not be downloaded.

With respect to material that exists in printed form: the lecturer will fill in the required fields in the computerized form for each uploading of material, and will ensure that the book is located in the University libraries.

17. In the framework of filling out the computerized form, the lecturer will ensure that the material is within the permitted extent, as specified above. Uploading to the course site of other materials that are not protected by copyright (such as a legal judgment that is published by the judiciary, or ancient works that have entered the public domain) or materials that have been written by the lecturer himself, or material in relation to which specific permission for use has been issued (such as material that were published under conditions of creative commons) may be done by the lecturer himself, but he must act responsibly and cautiously in order not to infringe the rights of others, and in any case of doubt, the lecturer must consult with the Office of the Legal Advisor.

### **Readers and Electronic Reserves**

18. In order to ensure compliance with the rules and the principles that have been set, reading materials in the form of readers of electronic reserves will be made accessible only through the library staff.

19. A lecturer who is interested in making reading materials accessible to the students of his course by means of electronic reserves will give the relevant library a list of items that he requires in order to teach the course.

20. The lecturer will consult with the library staff regarding the availability of reading material in electronic databases, and on any other matter as required in relation to accessibility of the materials to the students.

21. The library staff will examine the list of items and ensure that the scope of the requested material complies with the above rules. The library staff shall ensure that at least the first page of every item will include the details of the source from which it was taken, such as the name of the book, the author, the publisher, the name of the journal, or other such details as relevant.
22. If there is any doubt regarding the implementation of the rules, the library will consult with the Office of the Legal Advisor. As stated, in any case in which the lecturer wishes to include in the reader material that deviates in scope or in nature, the library will ask the Office of the Legal Advisor to decide the matter.

### **Special Provisions Regarding “Readers”**

23. The University prefers that material be made accessible in digital form, but if the lecturer nevertheless prefers to make the reading material accessible by way of “readers”, he will give the staff of the relevant library the list of items he requires for the purpose of teaching the course, together with a photocopied/scanned copy of the requested items themselves.
24. Once the form has been approved by the library, the teacher will hand in the items together with the approval of the library to the Office Services Unit of the University. This constitutes a change to the former standard practice, whereby the teacher would approach the Office Services Unit directly. The purpose of the change is to allow the library staff to assist and to advise the lecturer regarding accessibility of the reading material and in implementing the rules concerning the type of material and its scope.
25. According to the University guidelines, the use of articles and sections of books in the format of “readers”, in the permitted scope (as defined above) will be on the following terms:
  - a. The reading material for the readers will be retained at the Office Services Unit in the computer system for the duration of the academic year only, and will be deleted from the system at the end of the year, unless a new request is submitted for the following year;
  - b. The material is printed and bound only at the request of the student (print on demand). No copies are stocked;
  - c. Printing of the reader is done only at the request of a student who is registered for that particular course, or at the request of a member of academic staff or the relevant administrative staff;
  - d. The price of the printing and binding of the reader will not exceed cost price (including overheads);
  - e. In a course in which the scope of the material requires two or more volumes of the reader, these volumes will be counted as one reader for the purpose of determining the scope of permitted use as defined above. In other words, it is not possible to exceed the permitted scope by splitting the reader into separate volumes: the quantitative criteria is per course.