



UNIVERSITY
OF WYOMING

Honors
College

Here is some guidance from the University of Wyoming Libraries about publishing in the Honors Repository!

There are many benefits to submitting your Honors Capstone research or creative project to the University of Wyoming's institutional repository. As the owner of your work (you, the researcher and scholar) you should think carefully before making your work publicly accessible.

Here are some reasons why you should publish your scholarship in UW's institutional repository:

- **Long-Term Stewardship:** UW's institutional repository is managed by a team of experts at the UW Libraries. We ask all submitters to sign an agreement that allows them to retain all copyrights to their work but gives the University of Wyoming permission to host their work. In the agreement (https://docs.google.com/document/d/188JY_-qWMprp4bDgsiQWuNU61IeE5r_B9TYQTqpWnVM/edit?usp=sharing) this is called "non-exclusive distribution rights." At UW Libraries, we act as stewards of your work and will work to preserve long-term access to whatever form your scholarship may take. Each piece of work will be assigned a URL that will never change and will be accessible as long as UW supports the institutional repository.
- **Increased visibility:** Any work published in the institutional repository is searchable by Google and any other search engine. If you are interested in pursuing a career in academia, your work could be a source for other scholars and this will increase your profile as a scholar. Outside of academia, it showcases your interests and research skills.
- **Control over your scholarly identity:** Because you always own the rights over your own work, you control your scholarly narrative as you craft your identity as a scholar and as you enter the job market. Whether you are pursuing an academic career or not, you will be able to reference your work through a persistent URL and identifier that will showcase your interests, research, and academic skills to potential employers. Work that is published in the institutional repository can be linked in a CV (curricula vitae) or claimed in a Google Scholar profile or other scholarly profiles.

Here are some reasons why you may not want to publish your work in the institutional repository:

- **If you think you might submit your work to a commercial publisher.** Always check the publisher agreements as some publishers will not accept publications that have already been submitted as thesis or dissertations either with an institutional repository or with the thesis and dissertations publisher, ProQuest. Some do, but often this is an automatic check that checks for similarities. It is difficult (but not impossible) for UW Libraries to take things down from the repository once they have been submitted.
- **Once online, your work is there for all to see.** This is great for increasing your visibility, but make sure that it is a good representation of who you are as a researcher. When something is put online, it is now available for others to view and reference. The genie is out of the bottle. Be sure that the work you publish online is a good representation of your digital identity. If your work is part of a

collaboration, you will need consent from your co-authors in order to publish the work to the institutional repository. Is it a good representation of their digital identities too? Keep this in mind.

- **Your work contains sensitive information.** Before conducting any research that deals with human subjects or the possible intellectual property of another entity, you should be familiar with the ethical practices of your field and the IRB approval process. You may be excited to share your work with the world, but be sure that in sharing your work you have done your due diligence in anonymizing your collected data and protecting any intellectual property of the University or a federal agency who may have assisted in the collection of data represented in your work. It is possible to set an embargo period which delays the release of your research to the public. Your advisor may recommend an embargo period.

Publication Checklist

- Work has been approved for publication by a faculty member or advisor
- All copyrightable work has been removed (or all images, sound, etc has been used with permission)
- Submission has been correctly formatted (file formats accepted: PDF, mp3, mp4, more can be discussed with Digital Collections)
- Author and all co-authors have signed the Submission Agreement
- Access and Embargo options have been selected
- Repeat process for any accompanying data sets (see Data Management Librarian)
- Submission Instructions: https://uwyo.libguides.com/honors_theses

Copyright for theses, papers, and presentations submitted to Mountain Scholar (UW Institutional Repository)

U.S. copyright law protects creative work from being copied, altered, distributed, or performed without the permission of the owner and/or creator. It also recognizes that students, teachers, and researchers must be able to **use and adapt the copyrighted work of others** in scholarship. Title 17 Section 107, “Limitations on Exclusive rights –Fair Use,” states:

“the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.” (17 USC 107)

The law and UW Copyright Policy require you to make, and if necessary defend, a reasoned judgment about **fair use of others’ work**. This document is intended to help you make this judgment as you prepare a work for publication in Mountain Scholar, the University’s mechanism for storing and distributing research and scholarship.

How does the concept of “fair use” affect your thesis, paper, or presentation?

If you create work a) for a course at UW, including an independent study or a thesis tutorial, and b) that work will never be seen or distributed outside the course, you don’t need to be too concerned. It is unlikely that your paper, project, or presentation is a serious infringement of copyright. No matter what form it might take, your coursework is considered to be for “nonprofit educational purposes,” and if you don’t give away copies or post them on the Internet, your work has very little chance of affecting the potential market for the original.

If you create an Honors Thesis or any other work for a course at UW and include it in the Mountain Scholar repository, you must carefully consider whether your use of others’ work is “fair” (as legally defined above) or whether it infringes on the rights of the copyright owner. Copyright law does not give exact rules or definitions of what fair means, but it does give guidance in the form of a four-factor test. The four factors, taken as a whole, should lean toward “fair” in your analysis, and the fourth factor should always lean toward “fair.”

(Factor 1) Purpose and character: Is your work a piece of scholarship, or is it for commercial purposes? If the work you are submitting is your thesis or a product of your course work at UW, it is always considered to be educational for the purposes of Mountain Scholar, so in those cases factor one leans toward fair use. If the work you are submitting was created by you outside class (for example as part of a project you are doing in the community), this factor may not be as clear cut, but may still lean towards “fair.”

(Factor 2) Nature of the copyrighted work: The word “nature,” can mean many things in this case: Is the work [A] published or [B] unpublished? Is it [A] more than 90 years old or is it [B] newer? Is it [A] a scientific fact, or [B] a work of art? Is it [A] common public knowledge or [B] information created for sale or license to individual users? In all these cases, answer [A] leans toward fair use. Answer [B] leans away.

(Factor 3) The amount and substantiality of the portion used: The best guidance on “amount” is to use as little of someone else’s copyrighted work as you need to support your scholarship. The more you use, the less likely it is that your use is fair. With regard to “substantiality,” consider whether the reproduction or

distribution of your work means that no one will need or want to consult the original. If it does, it is less likely that your use is fair.

(Factor 4) Effect on the market or value of the work: Even if the other three factors point to “fair use,” you should carefully consider whether publication and distribution of your work might take away the value of the original work. **If you conclude that your use of someone else’s work will undercut its value in the marketplace, you should conclude that the use is not “fair” and you should limit the amount or quality of the material you use until this factor leans toward “fair.”** Here are some examples. If a work is unpublished, your quotation or use of even a tiny part might prevent it from ever being published. If you are using textbook worksheets or television ratings data that are created and packaged solely to be sold to subscribers, any distribution on your part might prevent the owners from selling their work. Museums support their collections by licensing use of photographs of their art and audio tours of their collections, so distributing or publishing your copy of these materials may directly affect the market for that museum’s services. On the other hand, the inclusion of an entire video of a television commercial in your final submission might be the only way that your readers will ever gain access to the thing you have seen, and your inclusion or redistribution will not have an effect on either the market for the product or the market for advertising.

What should you do?

- **Keep researching and writing!**
- As you structure your paper, be sure to **talk with your advisor** about other people’s work that you would like to include in your project.
- If you use special material, such as a psychological scale, **make sure that you have permission to quote, reproduce or otherwise duplicate any of its content** before you do so.
- Use only what you need.
- When possible, **provide a link or citation** for other people’s works rather than reproduce them.
- If you have doubts, ask yourself if there is a **different work** you could use whose use would be fair.
- You may **request permission of the copyright owner to reproduce the work** in question. This may be a time-consuming and costly process, particularly if you are reproducing a work of art, but it is always possible to ask. Library staff members can help you identify who the owner is.
- If you need to include something in excess of what you determine to be “fair use,” **consider removing it at the time you upload your final copy into Mountain Scholar**. If that’s not possible, you will need to restrict access.

There are many resources to help you through this analysis: The [Copyright Crash Course](#) from the University of Texas, which is detailed enough to be thorough, but written in plain language, and Columbia University Libraries provides a [Fair Use Checklist](#) which includes examples of the four factors. At UW, contact UW Libraries Digital Collections: scholcom@uwyo.edu