

Good Faith Policy to Locate Interviewees of Oral Histories

The policy of the Reuther Library is to seek oral histories with documentation (i.e., releases/agreements) from donors stipulating that the Reuther has permission to make those oral histories available for research. The above notwithstanding, the Reuther Library realizes that it has and/or will receive oral histories without releases and has determined that it should create a policy for managing such oral histories. That policy is reflected below.

The Reuther Library will not make oral histories with no release available beyond what is allowed in the “fair use” (i.e., [Section 107](#)) clause of the U.S Copyright Act until the interviewees have been deceased for 70 years. In that time frame, the oral histories will not be made available unless the researcher requesting them has signed an agreement indicating that the researcher will not use the oral history beyond what is allowed in the “fair use” (i.e., [Section 107](#)) clause of the U.S. Copyright Act. Similarly, the Reuther Library will abide by provisions found within [Section 108 of the U.S. Copyright Act](#) allowing for the limited reproduction and distribution of copyrighted material within our holdings.

In some instances, a release may not be required. For example, if the oral history was done while in the course of the normal business of the organization with which the interviewee was a member, then those oral histories are to be treated in the same way that the records of that organization would be treated i.e., they would be made available for research pursuant to the terms and conditions outlined in the agreement between the Reuther Library and organization in question.

Methods for Conducting a Good Faith Effort for locating the Interviewee:

In the course of making a good faith effort to locate the interviewee or their heir, archivists will search one or more of the below resources:

- Professional directories
- Standard genealogical reference sources
- Internet searches
- Standard biographical sources
- Alumni associations
- Publishers of authors who are interviewees
- Probate records

- Local historical society collections
- Staff and institutional networks

After the staff of the Reuther have made a good faith effort to locate interviewees, their heirs or relevant copyright holders, the Reuther Library will make a public announcement at least one month prior to the release of any previously restricted oral history, requesting that interviewees, their heirs or copyright holders contact the archives. Once interviewees, their heirs or the copyright holders of oral histories are located, the first objective is to have them sign a release allowing the Reuther Library to make the oral history available to researchers, preferably without restrictions. The Reuther Library will remove oral histories from online access and/or from its holdings at the request of interviewees/heirs/copyright holders where no previously signed release exists.

For additional information on making good faith efforts, see the Society of American Archivists “Orphan Works: Statement of Best Practices” at:

<https://www2.archivists.org/groups/intellectual-property-working-group/orphan-works-statement-of-best-practices>

Documenting the Effort:

Whatever method used to locate the interviewee, when those working under the supervision of the Reuther Library are unable to locate the interviewee or her/his heir, Reuther staff will need to document those efforts and retain that documentation in the appropriate case file.

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Walter P. Reuther Library obtained the oral history you have requested of _____ without a release, which would allow us to make it available with or without certain conditions. As a result, we are making it available but only under the condition that researchers use it for non-commercial purposes and, when quoting or paraphrasing from it, abide by the fair use clause of copyright law (see below).*

Signature of Researcher

Signature of Archivist

Print

Print

Date

Date

* The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a duplication order if, in its judgment, fulfillment of the order would involve violation of copyright law. I understand the above stated policies and agree to abide by them.