

Copyright - Computer Software

POLICY:

The college will rigidly comply with all copyright laws including that which applies to computer software. It is against college policy to utilize software in a college-owned or leased computer unless an individual site license, receipt or letter of permission from the copyright owner is on file in the Computer Resource Center.

APPLICATION:

All college employees and students

RULES:

1. College employees and students shall not reproduce copyrighted software without the written permission of the copyright owner nor shall the computer be linked or otherwise configured to circumvent copyright law.
2. College employees and students shall not enter copies of "personal" programs into a college computer without permission from the director of computer services.
3. Purchase receipt or other evidence of compliance with copyright law is required before entering "personal" programs into a college-owned or leased computer.
4. Failure to comply with this policy could result in punitive action by the college and/or the copyright owner.

Copyright - Printed Material

POLICY:

The college will comply with the copyright limitations set forth in federal legislation for protection of original works of authorship.

APPLICATION:

All college employees and students

DEFINITIONS:

Copyright protection: governs exclusive right of copyright owners to literary works, musical works, dramatic works, pantomime and choreographic works, pictorial/graphic/sculptural works, motion pictures and other audiovisual works and sound recordings. Fair use: (not susceptible to definition) involves the allowance of copying without permission from, or payment to, the copyrighted owner where the use is reasonable and not harmful to the rights of the copyrighted owner.

Brevity:

1. Poetry
 - A. A complete poem if less than 250 words and if printed on not more than two pages, or
 - B. From a longer poem, an excerpt of not more than 250 words
2. Prose
 - A. Either a complete article, story or essay of less than 2,500 words, or
 - B. An excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words (Each of the numerical limits stated in "a" and "b" above may be extended to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph)

3. Illustration - one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue
4. "Special" works - certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience but fall short of 2,500 words in their entirety. Paragraph "b" above notwithstanding, such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text, thereof, may be reproduced.

Spontaneity:

1. The copying is at the instance and inspiration of the individual teacher, and
2. The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

1. The copying of the material is for only one course in the school in which the copies are made.
2. Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical column during one class term.
3. There shall not be more than nine instances of such multiple copying for one course during one class term.

(The limitations stated in 2 and 3 above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.)

PROCEDURES:

1. **Fair use: Single copying for teachers**
single copy may be made of any of the following by or for a teacher at his individual request for his scholarly research or use in teaching or preparation to teach a class:
 - A. A chapter from a book
 - B. An article from a periodical or newspaper
 - C. A short story, short essay or short poem whether or not from a collective work
 - D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, newspaper.
2. **Fair use: Multiple copies for classroom use**
Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that the following three requirements are met:
 - A. The copying meets the tests of brevity and spontaneity as defined
 - B. The copying meets the cumulative effect test as defined
 - C. Each copy includes a notice of copyright

RULES:

1. Infringement of copyright is subject to the principal remedies of injunction, damages, profits, and attorney's fees.
2. U.S. Government works are excluded from copyright limitations.

3. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or are "reproduced and used" separately
4. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.
5. Copying shall not substitute for the purchase of books, publisher's reprints or periodicals.
6. Copying shall not be directed by higher authority.
7. Copying shall not be repeated with respect to the same item by the same teacher from term to term.
8. No charge for copying shall be made to the student beyond the actual cost of the photocopying.
9. The responsibility of employee and student copyright obligations is the federal legislation, The Copyright Act of 1976.

Copyright – Video

POLICY:

The college will comply with video copyright limitations set forth in federal legislation for protection of original work of authorship.

APPLICATION:

All college employees and students

DEFINITIONS:

Broadcast programs are television programs transmitted by television stations for reception by the general public without charge.

School days are school session days which means one does not count weekends, holidays, vacations, examination periods, or other scheduled interruptions.

PROCEDURES:

A video broadcast program may be recorded off-air simultaneously with broadcast transmission and retained by an educational institution for a period of forty-five (45) consecutive calendar days after the date of recording. At the end of this time, all off-air recordings must be erased or destroyed immediately.

Off-air recordings may be (a) used by individual teachers in the course of relevant teaching activities and (b) repeated only when instructional reinforcement is necessary. The use of the recording for instructional purposes must occur during the first ten (10) consecutive school days within the 45 calendar day retention period.

After the first ten (10) consecutive school days, the off-air recording can only be used, up to the end of the 45 consecutive calendar days, for teacher evaluation purposes, (i.e., to determine whether to include the broadcast program) in the teaching curriculum and may not be used in the recording institution for student exhibition or any other non-evaluation purpose without authorization.

Off-air recordings may:

- (a.) be made only at the request of an individual teacher
- (b.) be used only by an individual teacher
- (c.) not be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy is subject to all provisions governing the original recording.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content.

Off-air recording may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

RULES:

Copying and using audiovisual material is governed by specific licensing agreements provided by the seller.