

## **PROCEDURE 10.13      LABETTE COMMUNITY COLLEGE CAMPUS WIDE COPYRIGHT POLICY**

1. No employee of Labette Community College may reproduce any copyrighted work in print, video, or electronic form in violation of the law or a license or contract the College has with a company providing materials for the College. Copyright laws in the U.S. protect Works even if they are not registered with the U.S Copyright Office and even if they do not carry the copyright symbol (©). Copyrighted works include, but are not limited to, printed articles from publications, TV and radio programs, videotapes, music performances, photographs, training materials, manuals, documentation, software programs, databases, and World Wide Web pages. In general, the laws that apply to printed materials are also applicable to visual and electronic media. The licenses and contracts entered into by the College are legal and binding.
2. Labette Community College directs its employees to obtain permission from copyright holders directly, or their licensing representative, when the reproduction or duplication exceeds fair use. Any employee failing to do so will do so at their own risk and assume all liability.
3. It is the policy of Labette Community College to adhere to the doctrine of “fair use” as incorporated in the United States Copyright Law of 1976, Section 107 as amended (Title 17, U.S. Code). The section addresses the needs of scholars, teachers, and researchers, and applies to all media. Fair use is an attempt to balance an author's copyright protection in creating intellectual works against the public interest in the dissemination of those works. To determine whether the use made of a work is fair use, the law defines four factors to consider: 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.
4. 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: 1. The copying meets the tests of brevity and spontaneity, 2. meets the cumulative effect test and 3. each copy includes a notice of copyright.
5. The copyright law applies to all forms of photocopying and duplicating, whether it is undertaken at the Labette Community College Print Shop, Media Services or at a self-serve photocopy machine. The copyright law provides the basis for potential legal claims against the College with respect to the reproduction of certain printed materials by the Print Shop or Media Services, e.g., chapters, articles, and excerpts from books or journals, compiled into "packets" made available to students for purchase or duplicated audio visual media. Labette Community College policy permits copying for classroom use consistent with copyright law and the fair use Guidelines. Faculty and staff have the ultimate responsibility to adhere to the

law and to produce written documentation of permission granted if copying or duplicating exceeds fair use. Each item in a course packet also must include a notice of copyright, if present.

6. The Digital Millennium Copyright Act of 1998, provides certain limitations on the copyright liability of colleges that provide Internet access and other digital network services to faculty, staff, students and other users. To qualify for the protections offered by DMCA, Labette Community College must: 1. Develop, communicate, implement, and enforce the Campuswide Copyright Policy; 2. communicate that repeat copyright infringers are subject to termination of employment or expulsion from the College; 3. communicate and ensure that an agent of the college will remove posted information on the Labette Community College Website upon receipt of a complaint of “takedown” notice, receipt of “actual knowledge” that material is violating copyright law, or awareness of facts or circumstances from which infringing activity is apparent, and 4. prohibit the circumvention of a technological protection or encryption measure.

7. The Technology Education and Copyright Harmonization Act (TEACH Act) of 2002 expanded the copyright exception to distance education transmissions and online materials into the same context as face-to-face teaching. The exceptions apply to any copyrighted work other than works produced as mediated instructional activities. Works that are an integral part of the class experience under the control of the instructor using digital networking are limited to the type and amount placed on the server for distance education. Works produced for the purpose of digital classroom use that would typically be purchased as a textbook or course packet may not be used. The performance or display must be created at the direction and/or supervision of the instructor as part of the class offered and is directly related and of material assistance to the educational content of the transmission and amounts to what would normally be shown in the classroom. The transmission must be solely for and restricted to the students enrolled in the class and steps are instituted to prevent the unauthorized dissemination of the work. Copyrighted materials that do not fall into the exceptions and limitation category, must receive permission for use from the holder just as one would in the classroom.

8. Photocopies placed on library reserve are intended to supplement other materials assigned for a course. Library reserves function as extensions to classroom readings, therefore the "Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with Respect to Books and Periodicals" is relevant in the interpretation of fair use. The Labette Community College Library will accept single photocopies of copyright protected chapters and articles according to the standards of the Guidelines for photocopying. The same item may not be placed on reserve by the same instructor for consecutive terms without copyright clearance being insured. Course packets will be accepted for library reserve only with the indication of copyright clearance or royalty payment. Photocopies are considered the property of the instructor placing them on reserve. Photocopies of copyright protected material must contain a notice of copyright as provided on the original work, if present. Library reserve photocopies must be marked with the warning: "NOTICE: This material may be protected by copyright law (Title 17, U.S. Code)".

9. Interlibrary loan is a cooperative resource sharing service between libraries. Section 108 (g)(2) of the United States Copyright Law of 1976, as amended (Title 17, U.S. Code) addresses the rights of libraries to copy or distribute copyrighted material within interlibrary loan arrangements. The Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines restrict the aggregate quantity of photocopying the Labette Community College Library can request for the College community within a calendar year to no more than five photocopied articles from the most recent five years of a periodical title the Library does not subscribe to.

10. Labette Community College designates the Copyright Committee as the copyright officers to administer the College's copyright policy. The Copyright Committee will be an ad-hoc committee and typically be comprised of, an Dean of Instruction of Instruction, the Outreach Director, the Office Services Director, Media Tech and the Director of Library Services. The Director of Library Services or the Outreach Director can help determine whether a work is covered under the Doctrine of Fair Use and how to handle any special copyright issues. Questions concerning copyright procedures, including fair use, should be addressed to the Director of Library Services or the Outreach Director. Resources to assist in determining Fair Use will be housed in the Labette Community College Library. The Copyright Committee maintains appropriate records regarding the approved use of copyright materials by employees.

11. There is both civil and criminal liability for infringement of the rights of a copyright owner. An infringer may be sued for either actual or statutory damages and, in addition, may be prosecuted for criminal violations. These provisions of the law apply to all cases of infringement regardless of the media involved. The court need not find a willful infringement in order to award damages or find guilt.

Adopted: 3/3/08