



College of Education

COPYRIGHT COMPLIANCE POLICY COLLEGE OF EDUCATION

Making employees aware of how to use copyrighted materials lawfully is a matter taken seriously by the College of Education. Original works are copyright-protected under Title 17, U.S. Code, which is founded on Article I of the U.S. Constitution. The consequences of not complying with the law can be costly to the individual who infringes on a copyright as well as to the University. Copyright violations can also be a criminal violation under some circumstances—with possible prison penalties.

A. Statement of Values

The College of Education recognizes and respects intellectual property rights. As part of our mission to maintain the highest standards for ethical conduct, we are committed to fulfilling our moral and legal obligations with respect to our use of copyright-protected works.

B. Sources of U.S. Copyright Law

Article I of the U.S. Constitution authorizes Congress to pass legislation “to promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” On the basis of the Constitution, Congress has enacted the Copyright Act found at Title 17 of the U.S. Code.

C. Statement of Obligations Regarding Copyright

As a matter both of moral integrity and of adherence to U.S. copyright law, the College of Education sets forth these policies for all employees to demonstrate our respect for intellectual property and compliance with the law:

1. No employee of may reproduce any copyrighted work in print, video or electronic form in violation of the law, and the easiest way to ensure no violation is by receiving express written permission of the copyright holder. Works are protected by copyright laws in the U.S. 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. Examples include diskettes, CD-ROMs and World Wide Web pages.
2. For all copyrighted works, the College of Education directs its employees to obtain permission from copyright holders directly, or their licensing representative, when the reproduction exceeds fair use. Alternatively, employees may request permission online at copyright.com or other similar services.
3. The College of Education designates the Associate Dean of Education as the copyright officer to administer our college’s copyright policy. Questions concerning copyright procedures, including fair use, should be addressed to the Associate Dean.

D. Instructions for Handling an Incident of Copyright Infringement

The College of Education encourages its employees to educate their peers on copyright compliance. If any employee witnesses a potential copyright infringement, we encourage the employee to bring the matter to the attention of the individual as well as to our copyright officer named above. Employees who illegally duplicate copyrighted works may be subject to disciplinary action.

1. This policy will be communicated to the college's employees through annual announcements.
2. This policy will be incorporated into existing employee manuals or guidebooks.
3. This policy will be posted on photocopy machines.

E. Fair Use

Fair use generally lets you use portions of copyrighted materials in face-to-face teaching, personal discussion and research, and news reporting. How much you can use and what you can do with materials is defined by courts on a case-by-case basis. Commercial use of material is not covered by "fair use." Nonprofit or educational purposes (criticism, comment, teaching, scholarship, research) are allowed, but only for a very limited portion of the whole work. Never copy more than is absolutely necessary for your educational purpose. The higher the percentage of the entire work you copy the more likely you are to infringe on the copyright. Fair use is not permitted if it will harm the potential market of the original work.

If you are making multiple copies of a protected work, you must meet the tests of brevity, spontaneity and cumulative effect. To meet the brevity test you must not copy more than 10% of the original work. Spontaneity requires that an individual teacher decides to use the work and that there is not enough time to request permission. To meet the cumulative effect test copies should be used only one time. The courts have also set a limit of nine instances of multiple copying for each course during one class term.

Government documents are not protected by copyrights.