

Copyright:

*PTC Policy,
Resources and FAQ's
for
Faculty and Staff*



PTC Ottenheimer
Library

Fall 2007

From the PTC College Operating Policies and Procedures Manual:

Policy Number: 2.42

Subject Area: Personnel Policies

Policy: Copyright

Date Adopted: 7/93 Revised: 4/03

Rationale

It is the intention of the College to observe copyright law and establish procedures for managing copyright compliance. Every board member and administrator knows that lawsuits do occur. When they do, the institution, individual board members, and key administrators will probably be named in the suit. This policy places the burden where it belongs on the individual(s) responsible for the illegal actions.

Policy

1. It is the intent of Pulaski Technical College to comply with the U.S. Copyright Law (Title 17, U.S. Code, Sect. 101, et seq.). This policy represents a sincere effort to observe this law.
2. Employees are prohibited from copying copyrighted work unless the action is authorized by (a) specific exemptions in the copyright law, (b) the principle of fair use, © the fair-use guidelines, or (d) licenses or written permission from the copyright owner. Any other copying must be approved by the Copyright Officer on a case-by-case basis.
3. Employees are prohibited from “performing” copyrighted works unless the performance is authorized by (a) Title 17, U.S. Code, Sect. 110(1), (4), or (8), (b) performance licenses, © purchase order authorization, or (d) written permission from the copyright owner or owner’s agent.
4. The Vice President for Instruction shall serve as the Copyright Officer, create a Faculty Copyright Manual and insure that campus personnel are aware of College copyright policies.
5. Employees, who willfully disregard this policy, or the specific provisions of the Faculty Copyright Manual, do so at their own risk and assume all liability including the possibility of dismissal for persistent copyright infringements.
6. If the Copyright Officer is aware of copyright infringements by an employee, he/she shall counsel the infringer. If the employee continues to infringe copyright law, the Copyright Officer shall inform the President of the continuing infringements. The President shall take appropriate steps to stop the illegal actions. If the infringer refuses to stop the infringements, the President shall take appropriate steps to terminate the employment of the persistent infringer.

Be aware of copyright issues! Don't infringe!

Use these links on the PTC Ottenheimer Library web site (on the Faculty & Staff Services page) to check your copy rights:

[Regents Guide to Understanding Copyright & Educational Fair Use](#) - Board of Regents of the University System of Georgia comprehensive guide to fair use.

[The TEACH Toolkit](#) - An online resource for understanding copyright and distance education. Includes a checklist to verify copy rights.

AND check the Library catalog for these and many other print and e-books on copyright:

Copyright law on campus / Marc Lindsey.

Copyright plain & simple / Besenjak, Cheryl

Public domain [electronic resource]: how to find & use copyright-free writings, music, art & more / by Stephen Fishman.

Need more information?

The United States Copyright Office is the source for obtaining a copyright and for explanations of copyright law. <http://www.copyright.gov/>

The Copyright Clearance Center is one of several agencies that will research and obtain copyright permission for a fee. <http://www.copyright.com/cc/home.do>

Fair Use Guidelines for Educational Multimedia developed by the Consortium of College and University Media Centers and presented in the Copyright Crash Course of the University of Texas System. <http://www.utssystem.edu/OGC/>

Frequently Asked Copyright Questions:

Why can't you just tell me what I can or cannot use?

Copyright law (including the TEACH Act of 2002) has gray areas, and there have been many court decisions affecting interpretations of the law. There are fair use guidelines for the use of copyrighted materials that can help you determine whether you need to obtain permission from the copyright owner.

What is "fair use"?

There are four factors the courts consider in copyright cases: 1) nonprofit educational use, 2) nature of the copyrighted work (highly commercial dramatic works, music, images, consumables, textbooks receive the greatest protection), 3) amount of the work used both quantitatively and qualitatively, 4) effect of the use on the market.

Can I record a television program for use in my class?

NEVER for entertainment purposes. If the producer states explicitly that rights are given—yes (*PBS* and the *History Channel* will sometimes do this). Otherwise, you may record a single program, use it in the classroom as a part of your structured curriculum, retain it for 45 days for evaluation purposes, then destroy it. Any further use requires purchase of the program.

Can I copy articles and share them with my face-to-face class? With my online class?

If an article is available in print or online through Library resources, yes, you may share it in person or online with your students, or you may place it as a Library reserve online or in print. You may NEVER use copyrighted articles without copyright permission in course-packs that students purchase. There are limits to the amount of material you use from one source not owned by the College.

What about movies or music I want to use in my fine arts classes?

If they are owned by the Library, you may use them in an instructional setting. If they are not owned by the Library, you should suggest purchase by the Library if you intend to use the works for more than a single showing.

Are there special rules for copyrighted works in online classes?

Yes. The TEACH Act addresses this issue. Reception must be limited to students enrolled in the course, the work must not be retained longer than the class session, and "reasonable" downstream controls must be in place (to prevent potential downloading for further dissemination). A copyright warning notice similar to the following to students should be present:

PTC Copyright Warning Notice

The materials on this course web site are only for the use of students enrolled in this course for purposes associated with this course and may not be retained or further disseminated.

I'm not an instructor, but I want to use some good information from the web in my department's publication. Is that okay?

You need to check the site for permissions, and beware that some sites carry unauthorized copies posted without the knowledge of the copyright owner. If there are no express permissions, you will have to contact the site owner to get permission. If you're confident of the legality of the site and have permission from the site owners, provide a link rather than copying and pasting site material. Always credit the source and always get your PTC manager's approval!

How can I be sure I'm doing the right thing?

Within gray areas, nothing is certain, but checking with colleagues or librarians helps to prove your good intent in the event of legal action