

Dixie State University Policy

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I. Purpose

- 1.1 It is the policy of the Dixie State College that the provisions of the law regarding copyright protection will be honored. Employees must ensure that the reproduction is allowed by copyright law, fair use guidelines, the permission of the copyright owner, or a license agreement.

II. Print Works Other Than Music

- 2.1 Under the terms of fair use, employees may make single copies of the following types of works for scholarly needs or library reserve.
 - 2.1.1 One chapter of a book.
 - 2.1.2 One article from a periodical or newspaper.
 - 2.1.3 One short story, essay, or short poem.
 - 2.1.4 One chart, graph, diagram, drawing, cartoon, or picture from one book or one periodical.

2.2 Under the terms of fair use, employees may make multiple copies of the above types of works for classroom use, so long as the use adheres to these standards:

2.2.1 For one-time distribution in class to students.

2.2.2 No more than one copy for each student.

2.2.3 Must include a notice of copyright.

2.2.4 Students must not be charged beyond actual cost of photocopying.

2.2.5 Must meet the 3 tests of "brevity," "spontaneity" and "cumulative effect."

2.3 Brevity

2.3.1 Poetry -- a complete poem of fewer than 250 words printed on no more than two pages, OR an excerpt from a larger poem not to exceed 250 words.

2.3.2 Prose -- a complete article, story or essay of less than 2500 words, OR an excerpt from any prose work over 2500 words of not more than 1000 words or 10% of the work, whichever is LESS, but in any event an excerpt of 500 words.

2.3.3 Illustrations: one per book or article.

2.3.4 "Special works" (poetry and/or prose that combines language and illustration, such as a children's book and is less than 2500 words).

2.3.4.1 An excerpt of no more than two pages, containing not more than 10% of the words found in the text.

2.3.5 May not be reproduced in its entirety.

2.4 Spontaneity

2.4.1 Copying is at the instance and inspiration of the instructor.

2.4.2 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 response to a request for permission.

2.5 Cumulative Effect

2.5.1 Copies used in one course with one copy per student

- 2.5.2 Not more than one short poem, article, story or essay or two excerpts of the above may be copied from the same author
- 2.5.3 No more than three copies from the same collective work or periodical volume during one course term
- 2.5.4 No more than nine instances of multiple copying for one course during one course term.

III. Prohibitions

- 3.1 Creating Anthologies -- Copies must not be used to create, replace or substitute for anthologies, compilations or collective works even if items are copied and used separately. (Course packets fall under this prohibition.)
- 3.2 Consumable Works-- No copying of or from workbooks, exercises, standardized tests, test booklets and answer sheets, and like consumable material.
- 3.3 Unpublished Works -- Manuscripts, letters and other unpublished materials are automatically protected under copyright from the time they are created until the time they are published. Need owner's permission.
- 3.4 Copying may not be a substitute for purchasing books or periodicals.
- 3.5 Repetitive copying -- Same instructor may not copy same materials from term to term without the author's permission. The author's permission must be obtained prior to a second copying of materials originally copied under "fair use" guidelines.

IV. Procedures for Duplicated Materials

- 4.1 Procedures for selling or distributing duplicated materials in the College Bookstore: The College Bookstore shall sell or distribute no duplicated materials unless those materials are free from violations of copyright law or violations of this policy.
 - 4.1.1 Before any duplicated materials may be sold or distributed in the College Bookstore, those materials must be reviewed and approved by a committee composed of three persons: The Bookstore manager, a representative of the library, and a representative from the Institutional Research Office.
 - 4.1.2 Department faculty shall submit a complete copy of the materials to the Bookstore Manager at least six weeks before the beginning of the

academic term in which the materials are to be sold or distributed. Faculty shall include copies of any letters of permission that they have obtained from copyright holders.

4.1.3 The Bookstore manager, with the help of the representatives from the library and the Institutional Research Office, will thoroughly review the materials to ensure that they comply with copyright law and the terms of this policy.

4.1.4 Duplicated materials shall be sold or distributed only after this committee determines the materials do not violate copyright law or policy.

V. Films, Videos, and Off-Air Recordings

5.1 Must be shown as part of the instructional program.

5.2 Must be shown by students, instructors, or guest lecturers only to students and educators.

5.3 Must be shown using a lawfully made copy

5.4 May not be used for recreation or entertainment. Note: videos/ DVD's, etc. that are available for commercial rental are rented only on a home or family-use basis. Such rentals are not legal for class or campus group use.

VI. Satellite/Closed Circuit Reception

6.1 Broadcast, cable rights and interactive television are not covered by fair use or face-to-face exemptions. Separate contract must be negotiated.

6.2 Permission to use copyrighted videocassettes for Distance Ed purposes must be obtained from copyright owner.

6.3 Copying Videotapes / Off-Air Recording of Broadcasts, including Satellite TV:

6.3.1 Videotaped recordings may be kept for no more than 45 calendar days after the recording date

6.3.2 May be shown to students only within first 10 school days of the 45 day retention period

6.3.3 Off-air recordings made only at the request of individual instructors for instructional purposes; may not be made in anticipation of later requests

6.3.4 May be shown to students no more than two times during 10 day period

and the second time only for necessary instructional reinforcement

- 6.3.5 After 10 day period, taped recordings may be viewed only by instructors for evaluation purposes, i.e. to determine if broadcast should be included in curriculum in the future
 - 6.3.6 Duplicate copies may be made for several instructors teaching same course, subject to same restrictions as original recording
 - 6.3.7 Off-air recordings may not be physically or electronically altered or combined with others to form an anthology; do not need to be used or shown in entirety
 - 6.3.8 Off-air recordings must include copyright notice
 - 6.3.9 May only be used by non-profit educational institutions
- 6.4 Network Distribution of Video:
- 6.4.1 Without explicit permission for closed-circuit distribution, network transmission of a video is not permissible unless "Classroom Use" structures are met.

VII. Print Music Material

- 7.1 May be copied in emergency for a performance as long as replacement copies are subsequently purchased
- 7.2 Multiple copies of excerpts of works may be made for academic purposes other than performance, not to exceed 10% of the work and no more than one copy per student
- 7.3 A single copy of an entire performance unit (section, movement, aria, etc.) for personal or library reserve use may be made if the unit is out of print or available only in a larger work
- 7.4 Printed copies which have been purchased may be edited OR simplified provided that the fundamental character of the work is not distorted or lyrics altered or added

VIII. Sound Recordings

- 8.1 Non-Music -- may not be copied unless replacement recordings from commercial source cannot be obtained at a fair price.

IX. Music Recordings

- 9.1 Single copies of recordings of performances by students may be made for evaluation or rehearsal purposes.
- 9.2 Single copy of a sound recording (i.e., tape, disc, or cassette) of copyright music may be made from sound recordings owned by an educational institution or instructor for the purpose of constructing aural exercises or examinations (pertains to copyright of music itself and not copyright which may exist in sound recording).

X. Prohibitions on Music Material

- 10.1 There can be no:
 - 10.1.1 Copying to create or replace or substitute for anthologies, compilations or collective works
 - 10.1.2 Copying of or from workbooks, exercises, standardized tests, test booklets and answer sheets, and like consumable material.
 - 10.1.3 Copying for purpose of performance, except as noted above in "Permissible Uses"
 - 10.1.4 Copying for the purpose of substituting for the purchase of music except as noted above in "Permissible Uses"
 - 10.1.5 Copying without the inclusion of the copyright notice that appears on the printed copy.

XI. Slides and Photographs

- 11.1 Reproduction is not allowed unless license for single copy reproduction has been obtained.
- 11.2 Display:
 - 11.2.1 Must be non-profit educational institution.
 - 11.2.2 Must be use in face-to-face teaching activities.
 - 11.2.3 Must be in classroom or similar place devoted to instruction.
 - 11.2.4 Copy must be lawfully made.
 - 11.2.5 Purpose of display must be integral to course.

XII. Performances

- 12.1 Performance of any copyrighted work by instructors or students must be:
 - 12.1.1 In the course of face-to-face teaching activities
 - 12.1.2 At a non-profit educational institution
 - 12.1.3 In a classroom or similar place devoted to instruction
 - 12.1.4 Non-dramatic literary or musical work can be performed on closed-circuit television to other classrooms or to disabled students for teaching purposes only:
 - 12.1.4.1 If transmission is part of systematic instructional activities of non-profit educational institution
 - 12.1.4.2 If performance is directly related and of material assistance to teaching content of program
 - 12.1.4.3 Non-dramatic literary or music work may be performed at a school concert
 - 12.1.4.4 If there is no direct or indirect commercial advantage
 - 12.1.4.5 No fee or compensation paid to performers, promoters or organizers
 - 12.1.4.6 No admission charge.
 - 12.1.4.7 If admission is charged, all proceeds must be used only for educational or charitable purposes
 - 12.1.4.8 Performance may not take place if copyright owner objects in writing seven days before performance.

XIII. Educational Multimedia

- 13.1 The College may prepare a total of 3 copies, one of which is for preservation purposes only.
 - 13.1.1 One copy may be placed on reserve in library.
 - 13.1.2 Principal creators of joint projects may each retain a copy.
- 13.2 Fair use expires two years after first instructional use of multimedia project.

- 13.3 Must contain opening screen notice "Certain Materials Are Included Under Fair Use Exemption of U.S. copyright law and have been prepared according to the Educational multimedia fair use guidelines and are restricted from further use."
- 13.4 Sources must be credited and copyright notices and ownership information must be displayed.
- 13.5 Crediting the source must identify source of work, and give full bibliographic description.
- 13.6 Copyright notice must include word "copyright" or the copyright symbol, name of copyright holder, and year of first publication.
- 13.7 Any alterations of copyrighted material must be noted.

XIV. Copyright Protected Sources

- 14.1 Amount that may be used:
 - 14.1.1 Motion media -- up to 10% or 3 minutes of a source, whichever is less.
 - 14.1.2 Text -- up to 10% or 1000 words of a source, whichever is less; entire poem of less than 250 words, but no more than 3 poems or excerpts by one poet. No more than 5 poems or excerpts from one anthology.
 - 14.1.3 Music, lyrics, music video -- up to 10% but not more than 30 seconds from an individual work.
 - 14.1.4 Illustrations, photographs -- no more than 5 images by one artist or photographer; no more than 10% or 15 images, whichever is less, from any single published work.
 - 14.1.5 Numerical data sets -- up to 10% or 2500 fields or cells, whichever is less.

XV. Computer Software

- 15.1 Use of software may be restricted to a particular computer at a particular site. In such cases, permission of copyright owner must be obtained in order to use software on a different computer at a different site.
- 15.2 Individual employees who acquire software for personal use in the course of employment must obtain necessary licenses.
- 15.3 Licenses for software purchased by Dixie State College will be in institution's

name. Employees may not make copies of software for associates, but may transfer use to a colleague. If this is done, original user loses right to continued use of software and may not retain a copy.

- 15.4 Dixie State College must hold a license for each computer, if software is supplied to students in course of instruction in classroom.
- 15.5 If licensed software is supplied to students in the course of instruction other than a classroom situation, Dixie State College must hold a software license for all such students and the instructor.
- 15.6 Shareware--unless explicit statements identify the software as shareware, the user should assume that it may not be duplicated.
- 15.7 If software does not contain a copyright notice, user should consult with manufacturer to be sure that software may be copied freely.

XVI. Procedures for Limiting Liability Relating to Material Online

- 16.1 In its College computer networks and servers, Dixie State College functions as an online service provider (OSP). To avoid liability in materials offered through digital or online media, the College will take the following steps:
 - 16.1.1 Agent: The College will designate a person to act as an agent. The agent will receive notifications of alleged copyright infringement. The agent's name and address of agent will be filed with the Copyright Office (see Appendix A). Any filing fees will be paid to the Copyright Office, and the agent's name and other pertinent information will be posted on the College online service.
 - 16.1.2 The College will invite and receive notification of Infringement. Dixie State College will post in a prominent online location an invitation for notification of copyright infringement. Notification to Dixie State College must contain the following:
 - 16.1.2.1 an electronic or physical signature of the person authorized to act on behalf of the owner of the copyright interest,
 - 16.1.2.2 a description of the copyrighted work,
 - 16.1.2.3 the location of the copyrighted work, i.e. electronic address,
 - 16.1.2.4 the address, telephone number, and e-mail address of the notifying party,

- 16.1.2.5 a statement by the notifying party that it has "good faith" belief that the disputed use is not authorized by the copyright owner, agent, or in law,
 - 16.1.2.6 a statement by the notifying party made under penalty of perjury, that the information in the notice is accurate and that the notifying party is the copyright owner or the owner's authorized agent. Note: the requirements for notice by the copyright holder could appear on the same pages as the name and address of the designated agent. (See Appendix B)
- 16.2 The College will employ "Take Down" Procedures. Once Dixie State College becomes aware of the infringing material, it shall expeditiously take down or block access to the material.
- 16.3 The College will employ "Notice And Putback" procedures. After Dixie State College removes or blocks material stored on its system, the College shall take the following additional steps:
- 16.3.1 Dixie State College's designated agent shall take reasonable steps to promptly notify the user who posted the allegedly infringing material that Dixie State College has removed or blocked;
 - 16.3.2 The user may then send a "counter-notification" to Dixie State College's designated agent, stating that the removal or blocking was the result of a mistake or misidentification of the material;
 - 16.3.3 If the counter notification substantially complies with the statutory requirements, then to remain exempt from liability for "take-down," Dixie State College shall:
 - 16.3.3.1 Promptly provide a copy of the counter notification to the copyright owner (or authorized agent) who sent the original infringement notification; and
 - 16.3.3.2 Inform that person that Dixie State College will restore the removed material in a reasonable period of time of receiving the counter-notification.

Policy Owner: General Counsel

History:
Approved 2/1/02

XVII. Appendix A

Interim Designation of Agent to Receive Notification of Claimed Infringement

Full Legal Name of Service Provider: _____

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business):

Address of Service Provider:

Name of Agent Designated to Receive Notification of Claimed Infringement:

Full Address of Designated Agent to which Notification Should be Sent:

Telephone Number of Designated Agent:

Facsimile Number of Designated Agent:

Email Address of Designated Agent:

Signature of Officer or Representative of the Designating Service Provider:

Date: _____

Typed or Printed Name and Title:

Note: This Interim Designation Must be Accompanied by a \$20 Filing Fee Made Payable to the Register of Copyrights.

XVIII. Appendix B

Sample "Notice & Take-Down" Page

Pursuant to 17 USCA 512, Dixie State University of Utah has posted this page to inform and accommodate any person or entity that in "good faith" believes that an unauthorized copyright-protected work, of which this person or entity retains the right to, so they may inform Dixie State University of the unauthorized posting and thereby allow Dixie State University of Utah to block or take down the work in accord with federal law.

To notify Dixie State University of Utah, send the following form to the following:

[DesignatedAgent@dixie.edu]

Name of Designated Agent

Dixie State University of Utah

225 South 700 East

St. George, UT 84770

(Voice)

(Fax)