



Administrative Policy

Policy Type: Copyright Policy
Policy Number: 1005
Date Adopted: 11/18/2004
Version: 4.0
Date Last Reviewed: 6/10/2020
Office Responsible: Academic Deans
Reviewing Committee: Academic Council
Related Policies: Replaces Fair Use Policy and Permissions Policy.
Related Law: Copyright Laws

Policy Summary: As an academic institution involved in the transmission of knowledge and information, Jackson College is obligated to abide by copyright law, as outlined by the U.S. Constitution, Article 1, Section 8, and the Copyright Statute, 17 U.S. C. SS 101, including the 1998 Digital Millennium Copyright Act (DMCA) and the 2002 Technology, Education and Copyright Harmonization (TEACH) Act. The purpose of this policy is ensuring copyrighted materials are used in accordance with these laws and are properly purchased and licensed. Copyright protects the creative and intellectual property rights of creators and authors, ensuring they receive the appropriate compensation and benefits associated with the use of their work by others.

Scope: This obligation includes, but is not limited to, print, digital, film and video materials, as well as computer software, and applies to all members of the campus community, including administrators, faculty, staff and students.

Definitions:

Copyright - "The right to copy; specifically, a property right in an original work of authorship (including literary, musical, dramatic, choreographic, pictorial, graphic, sculptural and architectural works; motion pictures and other audiovisual works; and sound recordings) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform and display the work" (Garner, 2004, p. 361).

DMCA (Digital Millennium Copyright Act)-This act focuses on copyright issues related to digital resources. It implements the two 1996 World Intellectual Property Organization treaties. For an overview of the law, visit the U.S. Copyright Office Summary, <http://www.copyright.gov/legislation/dmca.pdf>

Duplicate - "A reproduction of an original document having the same particulars and effect as the original" (Garner, 2004, p. 541).

Fair Use - "A reasonable and limited use of a copyrighted work without the author's permission....depending on the following....1-the purpose and character of the use, 2-the nature of the copyrighted work, 3-the amount of the work used, and 4-the economic impact of the use" (ibid., p. 634).



Performance Right - “A copyright holder’s exclusive right to recite, play, act, show, or otherwise render the protected work publicly, whether directly or by technological means (as by broadcasting the work on television)” (ibid., 1174).

TEACH (Technology, Education and Copyright Harmonization) Act - This act expands options for educators when it comes to using copyrighted works. Works must meet several requirements to qualify. The main TEACH Act text is located in Section 110(2) of the U.S. Copyright Act, <http://www.copyright.gov/legislation/pl107-273.html>

Policy Statement:

1-The Library serves as the Jackson College clearinghouse for copyright related concerns, partnering with the bookstore, print center and information technology department as needed.

2-The Fair Use provision of the Copyright Law offers faculty legitimate options for using copyrighted materials in the classroom. (See #4, Resources for information on what constitutes Fair Use).

3-To assist faculty with Copyright compliance, Jackson College holds an Annual Copyright License Agreement with the Copyright Clearance Center, <http://www.copyright.com/> This license allows faculty to make reproductions of copyrighted materials, primarily articles, covered under the CCC license. Coverage includes some books and applies to print and digital versions of materials. See the Jackson College Copyright Handbook for information on determining resources covered by CCC, <http://libguides.jccmi.edu/copyright>

4-The CCC license does not provide protection for the use of media in the classroom or digital resources in the online environment. Proper use of these materials is outlined in the Jackson College Copyright Handbook, <http://libguides.jccmi.edu/copyright>

5-There are a variety of educational resources available to assist administration, faculty, students and staff in the appropriate application of copyright. For a listing of available resources, visit the Jackson College Copyright Handbook, <http://libguides.jccmi.edu/copyright>

6-All members of the Jackson College community are responsible for adhering to Copyright. Failure to use copyright materials in a manner consistent with the legal requirement or appropriate license agreement exposes the college as well as the user to legal action. Jackson College will not defend students, faculty or staff who engage in such violations.



References

Garner, B.A. (Ed.). (2004). *Black's law dictionary (8th ed.)*. St. Paul, MN: Thomson West.

Change Log:

<u>Date Of Change</u>	<u>Description of Change</u>	<u>Responsible Party</u>
11/22/11	Change log added	A Goings
11/12/2013	Update and broaden policy.	S. Davis
1/9/17	Reviewed – no changes.	S. Davis
6/8/20	Reviewed, minor text updates	J. Adams