

GOOD SAMARITAN COLLEGE OF NURSING AND HEALTH SCIENCE  
CINCINNATI, OHIO

**POLICY TITLE: COPYRIGHT**

Related Policy(S) To Consult:  
GSC Policy: Intellectual Property

**POLICY:**

**A. Intellectual Property Creation and Ownership**

Creation of intellectual property is important to the educational community and GSC (the 'College") maintains the highest standards for communication of institutional policy and procedure regarding ownership, compensation and use of the revenue derived from intellectual property. Additionally, the college seeks to model the best current practices in delineating the legal rights to products of the mind and the intended or unintended access to and use of intellectual property. For all situations related to the creation, ownership, governance and dissemination of intellectual property, the College has established a policy for Intellectual Property.

**B. Use of Intellectual Property Created by Others (Copyright)**

The following sections of this policy address access to and use of certain intellectual property created by others, which is commonly referred to as copyright. The College can best serve the public interest by creating an intellectual environment whereby College employees and students have reasonable access to, and use of, the intellectual property created by others. College personnel recognize and respect the intellectual property rights of others and are committed to fulfilling their moral and legal obligations with respect to the use of copyright-protected works.

**1. Scope, Coverage and Administration**

This policy applies to all individuals associated with GSC, faculty and staff members and students. Compliance with the terms of this policy is a condition of employment for faculty and staff members, and of student enrollment. Responsibility for administration of this policy resides with the College Dean of Academic Affairs (the "Dean") in consultation with legal counsel when appropriate. The Dean may seek recommendations from appropriate College committees, other administrative staff members or non-college employees in implementing the provisions of this policy. The policy will be communicated to enrolled students through the Student Handbook and the College Infont.

**2. Overview of Copyright Law**

The federal Copyright Act of 1976 provides protection to "original works of authorship." Copyrighted works include materials such as textbooks, printed articles from publications, television and radio programs, videotapes, Internet websites, music performances, photographs, training materials, conference presentation materials, manuals and software programs. In general, the laws that apply to printed materials are

also applicable to visual and electronic media. Copyright law generally gives authors, artists, composers and other such creators the exclusive right to copy, distribute, modify and display their works or to authorize other people to do so.

Original works are protected by copyright law from the very moment that they are created regardless of whether they are registered with the U.S. Copyright Office and regardless of whether they are marked with a copyright notice. While copyright law does not generally protect generic information such as ideas, data, or facts, College employees and students are encouraged to seek guidance for these areas as well, particularly if any trade secret, data misappropriation, rights of publicity or privacy, patent or trademark rights or defamation (libel and slander) concerns exist.

It is illegal to violate the rights of copyright holders or to direct others to do so. Liability for copyright infringement can include damages for each unauthorized use, as well as criminal penalties.

### **3. Permissible Photocopying**

Only the owner of a copyright has the right to reproduce or to authorize others to reproduce the original work. This right is subject to certain limitations found in sections 107 through 118 of the United States Copyright Law ([Title 17, U. S. Code](#)). One of the more important limitations of this law is the *doctrine of fair use*. The doctrine of fair use has been developed through a substantial number of court decisions over the years and has been codified in section 107 of the Copyright Law.

#### *a. Doctrine of Fair Use*

Four factors must be weighed and considered to determine whether a use of copyrighted material is within the spirit of *fair use*, including:

1. The purpose and character of the use, including whether such use is of a commercial nature or if it is for a nonprofit educational purpose;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion of the work 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.

#### *b. Copyright Considerations*

College personnel should consider the fair use considerations for using copyrighted materials in the classroom or education setting. Additionally, College personnel should consult the Guidelines for Classroom Copying in Not-for-Profit Educational Institutions, which is attached as Appendix A. These guidelines outline minimum standards for fair use for the classroom or education setting and will aid in determining appropriate use of copyrighted material in the classroom or other educational setting. Because of the uncertain and complicated nature of intellectual property laws, these guidelines are continually subject to change. Given such, College personnel and students must use caution and discretion in copying and should seek advice from the Dean in consultation with legal counsel when uncertain

about a particular circumstance or to request prior written permission directly from the copyright owner.

#### **4. Compliance with Rules and Procedures**

Compliance with federal copyright law is expected of all enrolled students, faculty, and staff members at the College. Except as allowed by law, it is a violation of this policy and law for College faculty or staff members, or students to reproduce, distribute, display, publicly perform, digitally transmit or prepare derivative works based upon a copyrighted work without documented permission of the copyright owner. The ultimate determination whether a specific use of a copyrighted work complies with this copyright policy shall be made by the Dean in consultation with legal counsel when appropriate.

No College employee or student may make, store, transmit or make available unauthorized copies of copyrighted material using College computers, networks or storage media. The College reserves the right to monitor its computer systems, networks and storage media for compliance with this policy at any time without notice and with or without cause. The use of College computing resources is also subject to the College's Conduct policy, including academic integrity, and all other generally applicable College policies. Those who illegally duplicate copyrighted works may be subject to disciplinary action up to and including termination and/or expulsion.

Questions regarding copyright law compliance by College personnel or by enrolled students should be directed to department chairs or faculty members, respectively. The College designates the Dean of Academic Affairs in consultation with Legal Counsel as the College's copyright compliance officer to administer this copyright policy.

The College encourages all College personnel and enrolled students to educate peers on copyright compliance. Observed instances of potential copyright infringement should be brought to the attention of the individual at fault, as well as to the College's compliance officer.

Reference:

Copyright Office Circular 92, (2007). Laws of the United States, Copyright, Intellectual Property, United States Code, Title 17, Copyright, Library of Congress, Copyright Office.

Approved By:  Date: 1/6/11

Effective Date: January 18, 2011

Review/Revision Dates:

Responsible Committee: Administration

## Appendix A

### Fair Use Guidelines for Classroom Copying in Not-For-Profit Educational Institutions

<b>EDUCATIONAL USE CHART<sup>1</sup></b>			
<b>Medium</b>	<b>Use</b>	<b>Authority</b>	<b>Limitations</b>
<b>PRINT</b>			
<p>Poem (less than 250 words) Or excerpt of 250 words from a poem greater than 250 words</p> <p>Articles, stories, or essays less than 2,500 words</p> <p>Excerpt from a longer work (10% of work or 1,000 words, whichever is less, but a minimum of 500 words)</p> <p>One chart, picture, diagram, graph, cartoon or picture per book or per periodical issue</p> <p>Two pages (max) from an illustrated work less than 2,500 words</p> <p>A chapter from a book</p> <p>An article from a periodical</p> <p>Short story, short essay, or short poem</p> <p>Chart, graph, diagram, drawing, cartoon, picture from a book, periodical or newspaper</p>	<p>Teachers may make multiple copies for classroom use.</p> <p>Teachers may make a single copy for teacher use for research or lesson preparation.</p>	<p><i>United States Copyright Office Circular 21</i></p>	<p>No more than one copy per student.</p> <p>Usage must be: At the "instance and inspiration of a single teacher" and when the time frame doesn't allow enough time for asking permission.</p> <p>Only for one course in the school. No more than nine instances per class per term</p> <p>Don't do it every term (if time allows, seek permission).</p> <p>Can't be directed by "higher authority." Copying can't be substitute for buying.</p> <p>Copies may be made only from legally acquired originals.</p> <p>No one is permitted to copy any portion of a book sent to the school for review or adoption consideration.</p>
<b>VIDEO</b>			
<p>Videotapes</p> <p>DVD</p> <p>Laser Discs</p> <p>QuickTime Movies</p> <p>CD ROMs</p>	<p>"Portions of lawfully acquired copyrighted works in academic multimedia" may be used. "Portions" is defined as 10% or three minutes (whichever is less) of "motion media"</p> <p>Proper attribution and credit is required for all copyrighted works.</p>	<p><i>Fair Use Guidelines for Educational Multimedia</i></p>	<p>The material must be a legal copy, legitimately acquired.</p>

<sup>1</sup> Adapted from "Copyright and Fair Use Guidelines for Teachers" by Hall Davidson, at <http://www.mediafestival.org/copyrightchart.html>, with permission under a general license to reproduce and distribute.

Medium	Use	Authority	Limitations
<b>ILLUSTRATIONS AND PHOTOGRAPHS</b>			
Photographs Illustrations Collections	Single works may be used in their entirety but not more than 5 images by an artist or photographer. From a collection, not more than 15 images or 10%, whichever is less.	<i>Fair Use Guidelines for Educational Multimedia</i>	While older illustrations and artworks may be in the public domain, the collection in which they appear may be copyrighted.
<b>MUSIC</b>			
Digital music files	Up to 10% of a copyrighted musical composition may be reproduced, performed and displayed as part of a multimedia program produced for educational purposes.	<i>Fair Use Guidelines for Educational Multimedia</i>	
<b>COMPUTER SOFTWARE</b>			
Purchased software Licensed software Software lent by a library.	Software may be installed at home and at school.  Software may be installed on multiple machines.  Software may be copied for archival use to replace lost, damaged, stolen, copies.	<i>Section 107 and 108 of Copyright Act and subsequent amendments</i>	Take aggressive action to monitor that copying is not taking place (for retention).  Only one machine at a time may use the program.  The number of machines being used must never exceed the number of licensed. The number of simultaneous users must not exceed the number of licenses.  A network license may be required for multiple users.
<b>INTERNET</b>			
Internet connections World Wide Web	Images, text and sound files may be downloaded for use in educational projects (subject to portion restrictions related to print)	<i>Fair Use Guidelines for Educational Multimedia and Digital Millennium Copyright Act</i>	Files may not be reposted onto the Internet without permission.  Distance learning exemptions under TEACH may apply

Medium	Use	Authority	Limitations
<b>TELEVISION</b>			
<p>Broadcast network and local television stations</p> <p>(Cable broadcasts are subject to the license terms of the individual cable channel)</p>	<p>Videotapes made from broadcast sources</p> <p>Live "off the air" broadcasts.</p> <p>Videotapes made from broadcasts</p>	<p><i>Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes U.S. House Report on Piracy and Counterfeiting Amendments (H.R. 97-495, pp 8-9)</i></p>	<p>Videotaped broadcasts may be kept for more than 45 after the recording date, and can only be shown within the first 10 days of that 45 day period. After that, the videotape may be retained for archival purposes or consideration for purchase for 35 days, after which it must be destroyed</p> <p>Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary.</p> <p>Off-air recordings may be made only at the request of, and used by, individual teachers, and may not be regularly recorded in anticipation of requests.</p> <p>A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each additional copy is subject to the same time and display provisions governing the original.</p> <p>Off-air recordings may not be altered from their original content (although only portions may be shown).</p> <p>Recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.</p> <p>All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.</p> <p>Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.</p> <p>These guidelines apply only to <b>nonprofit education institutions.</b></p>