

COPYRIGHT

I. Policy Section

3.0 College Operations

II. Policy Subsection

Grand Rapids Community College Copyright Policy

III. Policy Statement

It is the policy of Grand Rapids Community College (GRCC) that all members of the College community adhere to the provisions of the U.S. Constitution, Article 1, Section 8 and the Copyright statute, 17 U.S.C. SS101 et seq. including the Digital Millennium Copyright Act (DMCA) of 1998, in regard to all formats, including but not limited to, print materials, digital files, copies, video, film, slides, and kits.

Copyright is a constitutionally conceived property right, designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work of authorship for a limited time. This statute balances an author's interest against the public interest in the dissemination and reproduction of information.

A. Administrative Responsibility

The GRCC Library & Learning Commons (LLC) coordinates the implementation of GRCC copyright policies, including those related to the Digital Millennium Copyright Act.

B. Individual Responsibility

Members of the GRCC community who willfully disregard the copyright policy do so at their own risk and assume all liability and criminal penalties as defined in Title 17 of the U.S. Code.

C. Audit

The College will conduct periodic verification of compliance with federal copyright law. Employees will comply by providing materials upon request. Failure to comply with this policy may result in disciplinary action up to and including termination.

D. Copyright Notice

GRCC ePrint will affix a label with the following notice on all duplication devices, e.g. departmental photocopiers, scanners, video recorders, etc.

NOTICE: THE COPYRIGHT LAWS OF THE UNITED STATES, TITLE

17 U.S.C., GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

E. Fair Use

There is no simple test to determine fair use. Section 107 of the Copyright Act sets forth four considerations to help you judge fair use.

1. The purpose and character of use, including whether such use is of a commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

Only the courts can authoritatively determine fair use. Uses that exceed the guidelines given here may or may not be fair use.

The limitations and conditions set forth in these guidelines do not apply to works in the public domain—such as United States or Michigan State Government works or works on which copyright has expired—or to works for which the individual or institution obtains permission for the particular use. License agreements may govern the uses of some works and users should refer to the applicable license terms for guidance.

IV. Reason for the Policy
Legal compliance

V. Entities Affected by this Policy
Copyright holders
Classroom Instructors
Library & Learning Commons
Media Technologies
GRCC ePrint

VI. Who Should Read This Policy
GRCC faculty, staff, and students

VII. Related Documents
Copyright Subject Guide <http://subjectguides.grcc.edu/copyright>
GRCC Information Technology Acceptable Use Agreement
<http://cms.grcc.edu/aua>
GRCC Student Code of Conduct <http://cms.grcc.edu/student-conduct/code-conduct>

VIII. Contacts

Policy Holder: Director of Library Services
Video Content Production Manager
Director of GRCC ePrint
General Counsel

IX. Definitions

- A. **Archival Copy:** an original or a copy of an original, kept in a restricted area. A contract or license held by the copyright owner determines use. The term usually refers to computer software and audio/video recordings.
- B. **DMCA:** The Digital Millennium Copyright Act became law on October 28, 1998 in an attempt to address copyright-related issues overlooked in the United States Copyright Act of 1976, including those related to the presentation of digitally stored and produced materials and presentations on the Internet.
- C. **Duplication:** reproducing or copying material by any means including, but not limited to, writing, typing, photocopying, scanning, facsimile, downloading, and video, DVD or audio recording.
- D. **Face-to-Face Teaching:** an educator engaged in an instructional activity. The activity must take place in a classroom, must be part of systematic instruction, and the class must be comprised of registered students and/or faculty and professional staff.
- E. **Fair Use:** the right to use copyrighted materials without consent of the copyright owner, usually for scholarship, teaching, research, or criticism. There are four factors to consider in determining whether a particular use is fair use. They are given in Section III-E.
- F. **Multimedia:** a production involving more than one medium (i.e. a combination of text, pictures, sound, graphics, film-clips, etc.).
- G. **Off-Air Videotaping:** taping programs broadcast over channels normally received free (e.g. with a normal antenna). This does not include programs only received by cable or satellite.
- H. **Public Domain:** works not protected by copyright or works created by the federal or state government.
- I. **Public Performance:** open to the public, or open to a group outside the normal circle or family of social acquaintances. A film shown on campus and advertised to the public is a public performance and requires licensing. Some videos and DVD's include public performance in the purchase.

J. **TEACH Act:** the Technology, Education, and Copyright Harmonization (TEACH) Act is a distance education update of copyright law. The TEACH Act exemption is one of several options faculty and students have when using copyrighted works in their course materials. TEACH says it is not copyright infringement for teachers and students at an accredited, nonprofit educational institution to transmit performances and displays of copyrighted works as part of a course if certain conditions are met. If transmission cannot meet these conditions, use of the material will have to qualify as a fair use or teachers must obtain permission from the copyright holder(s).

X. Procedures

A. How to Verify Coverage under GRCC's Annual Copyright License

1. Locate the Annual Copyright License search page:
 - a. Navigate to <http://www.copyright.com/ACLAcademic>
 - b. Bookmark this page for easy access in the future
2. Search for a publication:
 - a. Enter the Publication Title or Standard Number (ISBN/ISSN) of the publication that you wish to use.
 - b. There are pre-selected permissions options under "Annual License – Academic" in the Display Options box.
 - c. Click the "Search" button.
3. Verify coverage:
 - a. Frequently requested publications display first. To view the coverage available for the permission types selected, click the "View selected permissions options" link
 - b. Covered by CCC Annual License—your Annual Copyright License is the type of use selected
 - c. Choosing the Request Coverage link will prompt CCC to request that the copyright holder add the publication to our database in the future
 - d. Copyright permission is not required for publications designated public domain. You may use them without restriction

Your search results may include special terms from the copyright holder. Click the *Terms Apply* link to view any special terms associated with the publication. For more information or technical assistance, please contact the Library & Learning Commons.

B. Photocopies

GRCC ePrint will place a label with the copyright statement shown in

Section III-D on all photocopy machines.

Presume Copyright Protection for most works unless the author is a government entity or the copyright holder intends the work to be in the public domain.

Instructors may photocopy copyrighted materials without express permission within the fair use guidelines in Section III-E. To photocopy materials where copying is not fair use under the guidelines in III-E, permission should be obtained from the copyright owner. Consult a Librarian for assistance using the Copyright Clearance Center available from within the Library Subject Guide (see Section VII-C) or use the procedure given in X-A above.

GRCC ePrint will not duplicate copyrighted materials unless you have obtained permission in writing. Seek permission each time you use the material.

Interlibrary Loan

The GRCC Library Interlibrary Loan (ILL) office follows CONTU guidelines. <http://www.copyright.com/academia/annual-copyright-license/>

During one calendar year, the Library may request up to five copies from any periodical title published less than five years previously. When requesting further articles from that periodical published within that time frame, ILL must purchase those articles directly from the publisher or from a vendor who has copyright clearance to provide those articles. An alternative is to pay royalty fees to the Copyright Clearance Center. The ILL Office pays associated fees for interlibrary loan uses only. Fees to cover copyright compliance relating to reuse as course materials are the responsibility of the professor. ILL keeps written records for the 5-year period. For educational uses of copyrighted printed music material, see the Fair Use standards described in Section III-E of this policy.

Library Reserves

Instructors may place original format copyrighted materials on reserve in the Library. The use of library owned materials does not exclude the necessity of obtaining copyright clearance if multiple copies are available to students. If the Library does not own an original, instructors may place a photocopy on Reserve only once under Fair Use. Successive use of the photocopy requires the professor to obtain permission from the copyright holder.

C. Audio/Visual

The Copyright Act protects producers and distributors of motion pictures, audio recordings, DVD's and videotapes. The fair use provision in that Act resulted in a consensus among producers, distributors, educators, and

lawyers concerning the recording, retention, and use of television programs by nonprofit educational institutions. GRCC adheres to the following guidelines:

Off-Air Recordings

An instructor may record, or request a recording from GRCC Media Technologies, of an off-air broadcast transmission or cable retransmission and retain it for 45 calendar days after the date of recording. This is to allow time to preview and consider license or purchase of rights. Off-air videotaping guidelines apply to videos recorded by an individual.

1. A professor must request a recording; staff may not record programs in anticipation of a request.
2. The broadcast must be taped for a specific class, not "just in case."
3. During the first ten school days of that 45 day period, an instructor may use the program once for instruction and once for instructional review or reinforcement.
4. At the end of 45 calendar days, secure a license or erase the program.
5. An instructor may place a recording on Course Reserve, but only for the first 10 consecutive school days after taping.
6. The Library may not add off-air recordings to their collection without a valid license.
7. An instructor need not use an off-air recording in its entirety, but neither may they alter or edit it. Copyright notice must appear as recorded.
8. Professors may not share recordings with another professor; however, they may make or request limited duplication from each off-air recording to meet legitimate teaching needs. For example, if several teachers request recordings of the same program, duplicate copies may fulfill their requests. This is not a duplication license. All copies are subject to the same restrictions as the original.

Rented or Purchased Media

The law makes a distinction between classroom use and public performance. Teachers may use short films, feature films, and films released on videotape in the classroom or for instructional purposes. Teachers may even use programs purchased or rented with the caveat "home use only" in face-to-face teaching activities, but may not use such programs as part of a public performance without licensing.

Staff may not use college facilities or equipment to show media which they did not legally obtain for classroom or public showings. Videos rented from a local video store do not constitute legally obtained copies for public performances, but are permissible for classroom showings. A videotape may be a compilation of several different videos, not including off-air recordings, or may contain a portion of another video; however, you may use it only two times within ten days, after which you must seek copyright permission to

reuse the content.

Instructors must rent media for specific purposes. If a film is to be open to more than just registered students, faculty, and professional staff, it falls under the rules for public performance, which allows for advertising to the public and an audience other than a face-to-face teaching situation.

If a second showing will be scheduled for students who are not able to attend the original showing, that second showing must be arranged when the film is ordered and made a part of the film or video rental contract. Many companies charge an extra fee to show a film or video a second time, even if it is for a student in the original class. The Library may not place rented material on Reserve.

In an emergency, you may duplicate a video to replace a purchased copy which is lost or damaged. You must, however, purchase a replacement copy in due course. The Library purchases some films and videos with public performance rights. Check with them to determine license status before planning a program.

Staff may use videos purchased by an individual in a classroom, but cannot use them for a public performance unless performance rights are obtained.

Recording of Campus Events - Permissions

The College assumes permission to record presentations by registered students, faculty, and staff if the recording is for classroom use only. Written permission of the presenter or sponsor is required for presentations made by any other individual or group regardless of the recording's purpose. If a presentation by an outside individual or group contains copyrighted material, the guidelines below also apply.

Recording of Campus Events - Archival Copies

You may produce an archival copy of non-classroom events using copyrighted materials if the presenter provided appropriate evidence that they obtained clearance from the copyright holder to use these materials.

Recording of Campus Events - Non-Archival Copies

Staff may produce non-archival copies of presentations, whether by students, faculty, staff, or outside presenters only if they obtained written permission in advance from all copyright holders allowing the duplication of the material. For example, it may be necessary to obtain permission from the author, publisher, and director of a play.

Audiovisual Production Work - Using existing footage

A student or faculty member may incorporate existing video footage into a video they produce for a class project or educational program if the

borrowed material does not constitute more than 10% of the original or does not comprise the majority of the student's finished class project.

Audiovisual Production Work - Using pre-recorded music

You may use music only if you purchase a "video synchronization license" from the music publisher or copyright owner.

Copying tapes

Media Technologies will not duplicate any media carrying copyright without the written consent of the publisher or copyright owner.

D. Performed Music

Use of Music

Music involves a number of different licensing issues. Procedures and policies for obtaining rights to use a musical composition are well established, and it is usually clear who owns the rights. However, negotiations are normally necessary with several different parties to obtain rights for use as multimedia content.

NOTE: GRCC faculty, staff, and students should be aware that electronic sharing of copyrighted music files is an infringement of Copyright law. In addition to being a violation of the Copyright law and GRCC Policy, it is inappropriate use of the College's computers and network resources as defined by the College's Acceptable Use Agreement (AUA). A violation of the AUA may result in disciplinary action, up to and including dismissal.

You will need a mechanical license for the right to make and distribute records, tapes, compact discs, or other material objects in which a recording of a musical composition is embodied. This license is authorization only from the composer of the work, not the performer. A compulsory mechanical license is generally available under the U.S. Copyright Act.

You need a synchronization license to authorize the synchronization of a musical composition with visual images of a multimedia work. No compulsory license is available for this right. You must obtain rights through a music-licensing agency. Most synchronization licenses limit the number of seconds you can use the composition in a work. Because multimedia works are not sequential, you could play a composition many times in a given use.

Another exclusive right of the owner of a musical composition is to control public performances. Producers of a multimedia product should make sure that licenses cover any copyrighted music included in their product, or obtain other license authority for any public performance of their work.

You need a master recording license for the right to use a particular performance of a specific artist of the underlying composition. No compulsory license is available for this right.

Replacement Copies

It is GRCC policy that an immediate order for the purchase of replacement copies are on a one for one basis, and all reproduced copies of the musical work are to be destroyed upon receipt of the order. Any other method of calculating the number of replacement orders, such as an inventory taken after the performance, is unacceptable. The College expects that staff and faculty routinely involved with performances will emphasize planning procedures to avoid use of emergency duplication on a routine basis.

E. Multimedia and Internet

As with all copyrighted materials, the principles of fair use apply. Once these tests have been satisfied, you must meet certain additional guidelines with respect to allowances and restrictions.

The use of multimedia (sounds, images, text, data, etc.) within face-to-face teaching is normally subject to all the restrictions and covenants of the copyright law. There is a set of guidelines for the use of multimedia in presentations, although many organizations resist adoption.

Copyright law applies to materials found or posted on the Internet to the same extent that it applies to material found in traditional formats.

Copyright may protect a work even if published without a copyright notice. Copyright arises automatically as soon as an author fixes some aspect of a protectable work in a tangible medium (such as an Internet server). Notice is not required; registration is required only if the work originates in the United States and if the author desires legal action.

The College considers any media displayed on the Internet as part of a web page and accessible outside the GRCC community a public performance except when defined as fair use. You must obtain written permission to use copyrighted material on the Internet, and the user must be able to produce a copy of that permission upon request.

1. Use of Links on Internet Sites

- a. A site's existence on the Internet gives implied permission to link to that site.
- b. The owner of a page has the right to block any link to that page.
- c. A list of links created by someone else may be copyrightable under a compilation copyright; therefore, you may not copy a list of links in its entirety to your internet page. Instead, make a link to that page with the

list of links.

2. Use of Images

- a. Do not use scanned or downloaded images without written permission (see Use of Copyrighted Material, above), except as noted in fair use guidelines.
- b. Consider computer-readable images copied from other Internet sites copyrighted.
- c. Accompany all photographs taken of individuals with a photography release.
- d. You may link to an image on another site.

3. Use of Video Clips

Film libraries other than commercial motion pictures often have fee schedules for traditional uses of content. However, multimedia products seldom fit into traditional use categories. You may require special negotiations to cover the exact usage in a multimedia product.

The use of commercial motion picture footage is more complicated and expensive, assuming that you can acquire rights at all. A film distributor probably does not have the authority to grant multimedia content rights but could be helpful in identifying who has such authority. Use of any music rights, names, or likenesses of actors/actresses in such content will require separate authorizations and payment of additional fees.

Multimedia content use is not likely to be part of a normal fee schedule so you will probably have to negotiate fees individually.

F. Software

The United States Copyright Act of 1976 as amended pertains to computer software as well as printed materials, and the College interprets the Act in this context as follows:

1. The unauthorized duplication of any software which is licensed or protected by copyright is theft, and thus unethical.
2. Failure to observe software copyrights and/or license agreements may result in disciplinary action by this institution and/or legal action by the copyright owner.
3. You may not use any College-owned computing resources for unauthorized commercial purposes.
4. Respect for the intellectual work and property of others is central to the mission of colleges and universities. GRCC does not tolerate plagiarism and does not condone the unauthorized duplication of software applications, databases, and code.

XI. Forms

Online ordering for GRCC ePrint: <https://cms.grcc.edu/grcceprint>

- XII. Effective Date
September 2014

- XIII. Policy History
Revised: March 24, 2004
Revised: May 2012
September 2014

- XIV. Next Review/Revision Date
November 2018