

Aquinas College Copyright Policy and Guidelines

Introduction

This policy and guidelines are designed to ensure all faculty, staff, and students have access to consistent information on copyright in accordance with federal law.

Aquinas College is committed to supporting teaching, research, learning and nonacademic operations in the advancement of the College's educational mission. Intellectual, technological, and information resources and materials are provided for use by the entire College community (staff, faculty and students) and are to be used in accordance with the provisions of the United States Copyright Act of 1976 as amended, the Digital Millennium Copyright Act of 1998, and the Technology, Education and Copyright Harmonization Act of 2002, unless licenses or agreements exist which allow for exceptions. All users of such resources and materials, as well as creators of intellectual content, are expected to follow the standards outlined in the College's copyright policy and supporting guidelines.

Part I: Intellectual Property and Copyright Ownership

A. Creator Owns the Copyright

Individuals engaged in scholarly, pedagogical or creative efforts produce a great variety of copyrightable materials they may want to protect from unauthorized use. These include, for example, books, articles, monographs, bibliographies, lecture notes and handouts, musical compositions and recordings, artwork, photographs, films, audio visual works, and computer programs.

When a member of the faculty or staff or a student authors a copyrightable work, that individual will own the copyright in the work (and may voluntarily cede or license it to a publisher or distributor), unless the circumstances of sections B, C, or D (below) apply. Even though the College may provide some support in the way of facilities, materials, equipment, or personnel, individual ownership of the copyright in such works is appropriate.

It is understood, however, that the individual will grant a perpetual, worldwide, royalty free license allowing the College to use, reproduce and modify (in part or in whole) any copyrighted work that originally was created for the purpose of making such work available to individuals other than, or in addition to, the creator for use in teaching, administration, or other College activities. Examples of such work include a computer program designed to improve an office procedure and developed by a faculty or staff member (not under the circumstances of sections B, C, or D), or curricular materials created by a faculty member (not under the circumstances of sections B, C, or D) to use in sections of a course that is taught by several department faculty. Such materials will be available to the College free of charge, even if the individual who wrote the program or curricular materials has left the College. In the case of works created by multiple authors, where one or more of the authors is unaffiliated with the College and not subject to this policy, it is the responsibility of the individual to ensure that such other authors are made aware of this policy and that they consent to the grant of the license to the College.

B. Rights Are Determined by Contract

Ownership of the copyrights in works created in the course of projects or programs funded by an external agency, for example, under a grant or similar arrangement, will be determined in accordance with the terms of agreement with the external party and applicable law. An agreement

regarding copyright ownership must be signed by the College, the external agency, and the appropriate individuals before acceptance of outside funding.

Generally, students own the copyright in the works they create, including their contributions to collaborative projects, unless the circumstances of C or D apply or the student has signed a written agreement regarding copyright. Accordingly, faculty and staff are strongly encouraged to obtain a written agreement from each student before involving students in scholarly research or other projects that may result in works the faculty or staff would want to use or publish. In addition, if there is any question whether C or D will apply to works created by a student, a written agreement should be signed before the student begins work.

Faculty, staff and students are encouraged to engage in collaborative research and other collaborative projects. Because of the misunderstandings that may result when different individuals own rights in the results of a collaborative effort, a written agreement regarding copyright should be signed before beginning work.

Employment contract language governing ownership of copyright and rights therein, if they are inconsistent with this Policy and Guidelines document, will govern.

C. College Owns the Copyright in Directed and Commissioned Works

The College will retain ownership of the copyright in works that are specifically directed or commissioned by the College or produced by an individual (or group of individuals) within scope of employment. Examples of works in this category are articles for the alumni magazine or other College publications written by staff members, or computer software developed by technical staff.

This category does not include materials created by faculty in connection with their teaching, research, or other scholarly activities, even though faculty are expected to teach and engage in scholarly activities as part of their job, unless the works are specifically directed or commissioned by the College, as in the example of a faculty member on special assignment to write a history of the College while receiving a full salary. This category also does not include materials created by the staff outside the scope of their employment.

On occasion, the College may assign its copyright to one or more individuals or may agree to joint ownership of the copyright. If an individual wishes to own the copyright in a work that falls into this category, he or she should raise the issue in writing before undertaking the work. The arrangement on which the individual and the College agree must be documented in writing. If no such writing exists, the general rule of this section will be deemed to apply.

The College affirms its commitment to the open sharing of the creative and innovative work of college staff through its application of ownership rights. Where privacy, security or confidentiality issues do not apply, departments may decide to share works and grant permission for reproduction for other not-for-profit uses. Examples of such materials include reports, policies, training programs, and open access software.

D. College Owns Copyright in Administrative Works

The College will retain ownership of the copyright in works created in the course of an administrative assignment of the College, such as, internal policies and procedures, internal studies and plans, or a report for a college committee.

E. College Owns Copyright of Photographs

All photographs and video taken by the Aquinas College Marketing and Communications Department or outside photographers hired to photograph for Aquinas College photo and video shoots or events remain the property of Aquinas College. Aquinas shall have the irrevocable, non-exclusive right to exercise any and all rights granted by the United States Copyright Act, including, but not limited to, the right to reproduce, display, distribute, and transmit the Work throughout the world, in any media now known or later developed, and to create derivative works.

- a. If hiring a third-party photographer or videographer, you will want to be sure to make the contractor is aware of this information.

External media outlets, businesses and others who request permission to use Aquinas College photos and video may do so at the requested permission of the Aquinas College Marketing and Communications Department. Aquinas College photography and video is the property of Aquinas College and should be credited with the college name as shown:

Photo/video courtesy of: Aquinas College

F. The College supports the concept of open access to scholarly work and encourages faculty, students, and staff to share their intellectual property, to the extent consistent with this Policy and Guidelines and with other applicable contractual provisions. Methods for sharing include (but are not limited to) the following:

1. Contribute work to appropriate open access archives, including Digital CC or disciplinary open archives.
2. In an agreement transferring copyright to a publisher, authors are urged to negotiate to retain certain distribution rights, including the right of the institution to use such works for internal instructional, educational, and administrative purposes.

For example, the SPARC Author Addendum <http://www.arl.org/sparc/author/addendum.shtml> is a legal instrument that authors may use to modify their publisher agreements, enabling them to keep selected key rights to their articles, such as: distributing copies in the course of teaching and research, posting the article on a personal or institutional Web site, or creating derivative works.

3. Use a Creative Commons license to retain copyright but freely allow some kinds of use of your property. <http://creativecommons.org/licenses/>

G. Recorded Events

A release form giving the college permission to record on-campus speakers and other events is required by the college. Prior to recording on-campus speakers or other events, the release form should be to the speaker sent by the campus host. This release form gives the college the right to copy and use the recording for any purpose. The form is available at <https://www.aquinas.edu/release-speakerspresenters>. The completed forms are stored within the Google form and are accessible by Associate Vice President for Communications, Marketing and Public Relations, Communications Project Manager, and the Instructional Technology Coordinator and Media Coordinator.

H. Recorded Course sessions

Specific class sessions may be recorded at the request of a faculty member. In this case, students should be notified in advance that the class will be recorded and a written form circulated to students documenting with student signatures their consent to recording and use of their names and likenesses. Completed consent forms are to be kept by the faculty member. Students not consenting should not for that reason be barred from class, but should not be recorded or identified.

Part II. Use of Copyrighted Works for Education and Research

A. Copyright Policy of Aquinas College

As an institution devoted to the creation, discovery, and dissemination of knowledge, Aquinas College is committed to complying with all applicable laws regarding intellectual property. That commitment includes the full exercise of the rights accorded to those who desire to use copyrighted works for educational purposes under the "Fair Use" provisions of federal copyright law, 17 U.S.C. Section 107, DMCA and TEACH Act

Aquinas College expects all faculty, staff and students to make a reasonable effort to comply with copyright laws in their use of copyrighted materials. The College requires, however, that before relying on the Fair Use exception, faculty, staff and students will educate themselves regarding the limits of Fair Use and will, in each instance, perform a careful, good faith Fair Use analysis based on the four factors identified in Section 107 of the federal Copyright Act.

It is therefore Aquinas College's intent to facilitate the knowledgeable and good faith exercise of full fair-use rights by faculty, students, librarians, and staff, in furtherance of the educational purposes of the College including teaching, research, education and related activities.

B. Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA) was passed in 1998 in part as a response to international concern for copyright protection, in order to provide limited protections for Internet Service Providers (ISPs) and to address other related issues. For the purposes of this act, Aquinas College is considered an ISP in some situations and adheres to the procedures outlined in the DMCA for responding to reports alleging copyright infringements on Aquinas College's computers and networks.

- The College has designated an agent (the Director of ITS) to receive complaints about alleged copyright infringements on Aquinas College's computers and networks, and posted on the College's Web site information on who to contact to make a complaint.
- Upon receiving proper notification, as defined by the DMCA, of a potential infringing activity, the College will where possible remove or block access to the material in question, and reports of repeated copyright infringements will lead to termination of computer/network services and/or other College/legal actions for the individual(s) responsible for the violation.
- The College provides copyright policy information as part of its computer and network use policy.

The DMCA requires that the College take timely action when presented with a notice that conforms to the requirements of the DMCA alleging copyright infringement on our computers or networks.

C. Technology, Education and Copyright Harmonization (TEACH) Act

The Technology, Education and Copyright Harmonization Act (TEACH Act) was passed into law in November 2002. The TEACH Act allows faculty to use copyrighted works in digital teaching materials both for students enrolled in traditional classroom settings as well as for distance learning courses. In order to use materials that qualify under the TEACH Act, the following conditions must be satisfied:

- The material must be provided at the direction of or under the supervision of a faculty member and must be an integral part of the curriculum.
- The amount of material provided must be comparable to that allowed under the *Fair Use* doctrine for live classroom session (e.g., short poems or essays, or photographic images).
- Notice must be provided to students that the use of materials may be subject to copyright protection.
- The materials available to students can only be available for a “limited duration” (no longer than a class session).

The TEACH Act **does not** apply to the following:

- The use of works specifically created for use as distance learning products.
- The use of works that you know or have reason to believe are not lawfully made (i.e. copyrighted films and music downloaded from the Internet).
- The conversion of print or other analog versions of works into digital formats unless no digital version of the work is available.

D. *Fair Use* Guidelines Of Copyrighted Materials

Fair use is a legal principle that provides certain limitations on the exclusive rights of copyright holders. The Copyright Act of 1976 recognizes the need for educators, scholars and students to use copyrighted materials without permission from the copyright holder. This provision is called *Fair Use*. Specifically, *Fair Use* doctrine offers a means of balancing the exclusive right of the copyright holder with the public’s interest in dissemination of information affecting areas of universal concern, such as art, science, history, or industry.

The *Fair Use* provision of the Copyright Act allows reproduction and other uses of copyrighted works under certain conditions for purposes such as criticism, comment, news reports, teaching, scholarship, and/or research. The guidelines that follow provide principles for all members of the College community who wish to use and/or digitize copyrighted works under *Fair Use* rather than by seeking authorization from the copyright owners for noncommercial educational purposes and for those who wish to better understand the situations in which works may be copied, distributed, displayed or performed under.

In determining whether the use is within the *Fair Use* doctrine, the following four factors must be considered:

- **Four factors of *Fair Use*:**
 - a. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
 - b. The nature of the copyrighted work
 - c. The amount and substantiality of the portion used in relation to the copyright work as a whole
 - d. The effect of the use upon the potential market for or value of the copyrighted work

It should be noted, *Fair Use* cannot be solely determined by resort to arbitrary rules or fixed criteria and requires examination of circumstances in each case.

Fair Use applies to printed and electronically stored copyrighted works. A statement of the copyright along with clear attribution must be included with each permitted use.

More information about Fair Use can be found at the [Copyright Basics webpage](#).

- **Examples of Uses That Are Likely Permitted**

Copying, with clear attribution, is generally permitted in the following instances:

- a. Quoting brief passages from copyrighted works
- b. Some copying materials for limited archival purposes
- c. Making **single** copies of articles from a periodical, book chapters, short stories, charts, graphs, illustration or other material for instructional preparation
- d. Making multiple copies (but no more than one per student) for classroom use
- e. The copying is spontaneous – that is, it occurs at the inspiration of teacher so close in time to time for teaching that it would be unreasonable to seek permission (one-time use to maximize teaching effectiveness).
- f. There is no cumulative effect (only used for one course, only one work from an author, or instances of multiple copying for one course).
- g. Sheet music may be copied as long as it is not a substantial part of the work and does not permit a performable unit. Works may be edited or otherwise changed as long as the overall character of the music is maintained.
- h. Material from the Web – such as text, sound, video, etc. – may be incorporated into a web site only if it is labeled freely reproducible and not under copyright. Many government materials are generally included in this category. It is usually permissible to include links to existing web sites on a site you have created.

- **Examples of Uses Not Permitted**

Copying is **not** permitted in the following instances:

- a. Copying that exceeds the limits defined in “Examples of Uses Permitted” above
- b. Replacing published anthologies with copied materials
- c. Copying “consumable” works (such as a workbook)
- d. Copying in lieu of purchase
- e. Copying the same material for successive semesters
- f. Charging for copying beyond the actual cost of reproduction
- g. Incorporating copyrighted material – such as text, sound, images, video, etc. -- into a web site without permission from the publisher or originator. **Exception:** limited-access web sites created by faculty and students. Faculty and students may include limited amounts of copyrighted material on their course sites as long as the site is password protected and they have followed *Fair Use* and TEACH Act guidelines.

E. Public Notification: Duplicating Policy

All unsupervised reproducing equipment located in public areas on College premises shall display a notice that the making of a copy of copyrighted materials may be subject to the copyright law, as required in subsection 108 (f)(1). The notice is to be affixed on the equipment so that it is readily apparent to a person making a copy:

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

Notices and Warnings to Prevent Copyright Infringement

A "Display Warning of Copyright" conforming to requirements specified by the Register of Copyrights shall be displayed prominently, in such a manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of each place on the college campus at which orders are accepted for the making of copies of copyrighted materials.

An "Order Warning of Copyright" conforming to requirements specified by the Register of Copyrights shall be included on printed forms used by library patrons for ordering copies of copyrighted materials.

Text of the warning:

The copyright law of the United States (title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Duplicating Policy

Copying, displaying and distributing copyrighted works, may infringe the owner's copyright. Aquinas College's *Copyright Policy and Guidelines* can help you determine whether your use of a copyrighted work is a *Fair Use* or requires permission. Any use of computer or duplicating facilities by students, faculty or staff for infringing use of copyrighted works is subject to appropriate disciplinary action as well as those civil remedies and criminal penalties provided by federal law.

F. Seeking Copyright Permission

If you seek to use copyrighted material that goes beyond *Fair Use*, you must obtain written permission from the copyright owner to copy the work.

The fastest way of requesting permission is to do a search on the Copyright Clearance Center's web site: <http://www.copyright.com/>. If the title is listed, you can select the appropriate permission option based on how the material will be used.

If the title is not listed on the Copyright Clearance Center site, send email to the publisher. If sending a letter by regular mail, enclose a self-addressed, stamped envelope and include lines at the bottom of the letter for the copyright owner to date, sign, and grant/deny permission. You should also mail two copies of the letter so that the copyright owner can keep one and return a signed copy to you in the self-addressed, stamped envelope. When seeking copyright permission include the following details in your request: title, author, edition, date, material to be duplicated, number of copies, distribution, purpose, and type of reprint.

It is important to maintain permanent records of permissions sought, denied, or granted. You should keep permission letters forever to defend against claims of infringement.

For more information and samples of permission letters, see the [U.S. Copyright Office](#).

G. Copyright and College Computer Resources

Campus computer resources and facilities may not be used to duplicate, share, or distribute any copyrighted material without the permission of the copyright holder (with the exception of instances that fall within the *Fair Use* or TEACH Act guidelines or the Aquinas College computer software guidelines).

Examples of copyrighted material include text, images, music, movies, CD's, and DVD's. Further examples of prohibited activities include, but are not limited to, the following:

- Using peer-to-peer file-sharing programs (e.g., KaZaA) to retrieve or distribute copyrighted music, movies, software or other files over the Internet without the permission of the copyright holder.
- Making copyrighted material available on an unrestricted Web site without the permission of the copyright holder. This includes copying material from another Web site and putting it on your own without the permission of the copyright holder.

H. General Guidelines for Duplication and Use

- **Unpublished Works**

Original unpublished work in any medium is assumed to be copyright protected upon creation and does not need to contain a copyright notice. All unpublished works are subject to the same general copyright guidelines stipulated throughout this document.

- **Published Works**

Sections 107 and 108 of the U. S. Copyright Law govern photocopying and other forms of reproduction of copyrighted materials. Section 107, the *Fair Use* clause, allows general photocopying under a specified set of conditions. Section 108 grants additional specific rights to libraries and archives in an attempt to balance the rights of creators and the needs of users. Other sections of the law also apply in specific situations. All electronic documents are subject to the same general copyright guidelines stipulated throughout this document.

- **Guidelines for photocopying, reproduction, and use:**

1. **Materials in the Public Domain:** You may freely photocopy or reproduce any clearly uncopyrighted work and all works that are in the public domain. Works in the **public domain** include publications dated on or before December 31, 1922; works that do not include a copyright notice and were first published before January 1, 1978; and most works authored by the United States Government.

- **When works pass into the Public Domain**

- For more detail, see also: <http://copyright.cornell.edu/resources/publicdomain.cfm>

| Date of Work | Protection in Effect from | Term |
|--------------|---------------------------|------|
|--------------|---------------------------|------|

| | | |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Created 1-1-78 or after | When work is fixed in tangible medium of expression | Life + 70 years (or if work of corporate authorship, 95 years from publication, or 120 years from creation, whichever is first) |
| Published 1922 or earlier | Now in public domain | None |
| Published between 1923-1963 | When published with notice | 28 years + could be renewed for 67 years; if not so renewed, now in public domain |
| published 1964-1977 | When published with notice | 28 years for first term; now automatic extension of 67 years for second term |
| Created before 1-1-78 but not published | 1-1-78, the effective date of the 1976 Act which eliminated common law copyright | Life + 70 years or 12-31-2002, whichever is greater |
| Created before 1-1-78 but published between then and 12-31-2002 | 1-1-78, the effective date of the 1976 Act which eliminated common law copyright | Life + 70 years or 12-31-2047, whichever is greater |
| | | |

Adapted, on the basis of 1998 amendments to 1976 copyright law, from Libraries and Copyright: A Guide to Copyright Law in the 1990s, Laura N. Gasaway and Sarah K. Wiant (Washington, D.C.: Special Libraries Association, © 1994).

- a. Works published prior to March 1, 1989, generally will include a copyright notice if they are protected. All works published on or after March 1, 1989, however, should be presumed to be copyright protected. After this date, no copyright notice is required for copyright protection – unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain.
- b. Copyrighted materials may be copied or otherwise used without the copyright owner's permission only when such copying constitutes *Fair Use* under the Copyright Act. See the *Fair Use* guidelines.
- c. In order to photocopy or duplicate from print or electronic sources, you should obtain permission from the copyright owner when a) the materials are copyrighted, (b) your use exceeds what is permitted by license, and (c) your use does not fall under the *Fair Use* guidelines. In photocopying, always include appropriate citations and attributions to the source as well as any copyright notice on the original.

I. Specific Media

The following information provides guidance on specific media affected by copyright law.

- **Print (Paper and Electronic)**

The applicable guidelines are under General Guidelines for Duplication and Use and *Fair Use* Guidelines of Copyrighted Materials.

1. **Copying for Course Packs**

A course pack (or anthology) is a collection of articles or chapters of a book, bound together and distributed to students to augment coursework. In producing a course pack for distribution or sale, you are legally required to obtain permission from the copyright owner (usually the publisher) of all copyrighted materials. This applies whether the course pack is produced by an individual or by a copying service, either at an on-campus or off-campus location. See Seeking Copyright Permission.

Guidelines for course packs:

- Limit materials to single chapters; single articles from a journal issue; several charts, graphs or illustrations; other similarly small parts of a work.
- Each item in the packet must include a notice of copyright (e.g., “Copyright 2002 by Random House”) as well as appropriate citations and attributions to the source.
- You must request permission for each semester in which the same materials or course pack is to be assigned. If permission is not obtained, you may place the individual separate readings, not the entire bound course pack/anthology, on course reserve in the Hauenstein library.

- **Printed Music (Paper and Electronic)**

Examples of Uses Permitted

Copying of printed music (paper or electronic) is permissible in limited circumstances under the following *Fair Use* guidelines. A statement of copyright along with clear attribution of source must be included with each permitted use.

1. Emergency copying of entire works of sheet music is permitted to replace purchased copies, which for any reason are not available for an imminent performance. However, purchased replacement copies must be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per student.
3. Printed copies, which have been purchased, may be edited or simplified provided that the fundamental character of the work is not distorted, lyrics are not altered, or lyrics added if none exist.

Examples of Uses Not Permitted

Printed music (paper or electronic) may not be copied under the following *Fair Use* guidelines:

1. Copying for the purpose of performance, except as in “emergency copying” above, is prohibited.
2. Copying for the purpose of substituting for the purchase of music, except as in “emergency copying” and “academic purposes” above, is prohibited.
3. Copying without inclusion of the copyright notice that appears on the printed copy is prohibited.
4. Using campus computer resources to share or distribute printed music to others without the permission of the copyright holder is prohibited.

For more information, see [Music Library Association Copyright for Music Librarians](#).

- **Audio (Analog and Digital)**

Copyright law protects live and recorded (analog or digital) audio performances and the rights to perform and/or record copyrighted works, in all sound formats, including the Web. Use of these copyrighted works may require permission from the copyright holder. In the case of music, more than one permission may be necessary—for example, one from the composer, one from the

lyricist, and one from the performer. A statement of copyright along with clear attribution of source must be included with each permitted use.

It is prohibited to use campus computer resources to share or distribute copyrighted audio material to others without the permission of the copyright holder. A single copy (analog or digital) of recordings of student performances may be made for evaluation or rehearsal purposes and may be retained by the student, the individual instructor, or the College.

Musical and non-music recordings: Copying or digitizing sound recordings is prohibited except in limited circumstances where replacement recordings from a commercial source cannot be obtained at a fair price. Recording brief excerpts is considered *Fair Use* (e.g., incorporating a piece of music into a classroom presentation or project). Faculty may make a single copy (analog or digital) for the purpose of constructing aural exercises or examinations or for Library reserve use. A statement of copyright along with clear attribution of source must be included with each permitted use.

- **Film and Video**

Film and video resources in all formats may only be used in face-to-face classroom instruction or for individual viewing, unless public performance or unlimited use rights have been obtained. Most videos purchased by the College are licensed for classroom use only and exclude public performance rights. The same restrictions apply to personally owned videos or those obtained from other sources. Possession of a film or video does not confer the right to show the work. The copyright owner specifies, at the time of purchase or rental, the circumstances in which a film or video may be shown. The Library may loan video resources to patrons for personal use, including those labeled "For Home Use Only."

It is prohibited to use campus computer resources to share or distribute any type of copyrighted video and film material to others without the permission of the copyright holder. A statement of copyright along with clear attribution of source must be included with each permitted use.

E. Broadcast Programs

Recording of broadcast programs (television, radio, Webcast) is subject to the following:

1. Most broadcast recordings, when allowed, may be kept for a limited time (45 days) and must be erased when time limits expire.
2. Recorded broadcasts may be shown to students no more than twice within the first 10 class days of the 45-day retention period. The second showing may only be used as necessary for instructional reinforcement.
3. The taped broadcast recording may be viewed after the 10-day period only by instructors for evaluation purposes, that is, to determine whether to include the broadcast program in the curriculum in the future.
4. All copies of broadcast recordings must include the copyright notice on the broadcast program as recorded.
5. The broadcast recordings may not be physically or electronically altered or combined with others to form anthologies. They need not necessarily be used or shown in their entirety.
6. Broadcast recordings without additional permissions from the copyright holder may not be added to College collections.

Permission from the copyright holder must be obtained prior to copying any copyrighted film or videotape. Copying, as a whole or in parts, from films and videos is prohibited. Duplication from one format or standard to another (e.g., film to VHS) depends in part on the availability of the title in the alternate format or standard.

For more information, see [American Library Association, Video and Copyright](#).

F. Images (Analog and Digital)

Downloading, distributing, reproducing and publishing images are subject to limitations. Faculty and students may not reproduce/publish copyrighted images without permission, except according to *Fair Use* guidelines. Images can include art, photography, graphics (such as drawings, charts, logos, and cartoons), PowerPoint presentations, animations, etc.

The following guidelines apply to the reproduction of images (35mm slides, photographs, digital images) and their use for educational purposes, including classroom use and use in multimedia creations and/or presentations.

Example of Uses Which May Be Permitted

1. Using images for nonprofit and educational purposes
2. Using images for teaching (including multiple copies for classroom use)
3. Using images for research and scholarship
4. Using images for comment, criticism, review, analysis, discussion, or other similar purposes associated with instruction or scholarship

Example of Uses Not Permitted

1. Using images for commercial activity
2. Making more than one copy of a slide or digital image
3. Making images available on the Web (except on a password-protected educational site) or in another public forum
4. Using images repeatedly or long term
5. Publishing images (e.g., in an article or book) without proper permission

Faculty may display digital images for educational purposes, including face-to-face teaching of curriculum-based courses, and research and scholarly activities. They may also compile digital images for display on password-protected institutional sites to students enrolled in a course given by that faculty for classroom use, after-class review, or directed study, during the semester in which the course is given. Faculty may also use or display images in connection with lectures or presentations in their fields, including uses at non-commercial professional development seminars, workshops, and conferences.

Students generally may use digital images in an academic course assignment such as a term paper or thesis or in fulfillment of degree requirements. Students generally may also display their academic work incorporating digital images for courses for which they are registered and during formal critiques. They may also retain their academic work in the personal portfolios for later uses such as graduate school and employment applications.

G. Multimedia Creations and Presentations

All multimedia creations and presentations, both scholarly and artistic, are subject to the following recommended guidelines, as developed by the [Consortium of College and University Media Centers](#).

1. Faculty may incorporate the work of others in their multimedia creations (following *Fair Use* guidelines) to develop curriculum materials where access is limited to students enrolled in the class and others with curricular justification (with all sources acknowledged).
2. Students may incorporate the works of others into their multimedia creations (following *Fair Use* guidelines) and display them for the exclusive purpose of fulfilling their academic assignments (with all sources acknowledged).
3. Faculty and students may demonstrate their multimedia creations at professional symposia and retain their creations in their own portfolios. Display and/or dissemination are restricted to a period of two years from the time of the first instructional use or public display.
4. Retention within a portfolio does not include the right to display multimedia works in a public forum, such as the Web, unless permission from the copyright owners has been obtained for this purpose.

For more information, see [Visual Resources Association, Image Collection Guidelines](#).

Use the [Copy Photography Computator](#) to help discern additional image rights.

For more information, see the [U.S. Copyright Office](#).

I. Computer Software

Copyright law protects computer software from unauthorized use and duplication. All software must also be used in accordance with the terms of its license, which usually states how programs may or may not be copied. Software documentation is also covered by copyright law and may only be copied in accordance with its software license or the general guidelines for copying printed or electronic material.

Aquinas College negotiates site licenses with selected software vendors for some of the products used most frequently on campus. For all other software, the department or end user must purchase an individual or multi-user license for each machine on which the software will be installed.

Usually, computer software may be copied for backup purposes only. With a few rare exceptions, Aquinas College software licenses do not permit use of the software on home or personally owned machines.

Users of computer software on campus must also abide by the [Aquinas College Network Acceptable Use Policy](#).

For more information: [Software and Information Industry Association](#).

Part III: Library Guidelines

[Section 108 of the Copyright Law](#) grants additional specific rights to libraries and archives in an attempt to balance the rights of copyright holders and the needs of library users.

A. Library Course Reserves

At the request of a faculty member, the Library will place materials from its collections on Reserve. Whenever possible, the Grace Hauenstein Library will place the original source (book or

journal) on reserve for a faculty member, rather than a copy of that work. Use of personal copies on library reserve must conform to the fair use classroom guidelines or have copyright permission. At the request of a faculty member, the library will place on reserve a copy of excerpts from copyrighted works in accordance with fair use guidelines. These copies may be placed on reserve for one academic semester and may not be used for additional semesters without permission from the copyright holder.

The Library reserves the right to refuse to place items on reserve that do not comply with the copyright law, such as reproductions of entire books or entire issues of journals or course packs or other anthologies a faculty member has compiled, where permissions have not been obtained.

The Library is required to remove all course reserves at the completion of the course.

B. Multi-Media Course Reserves

The Library will place materials from its multi-media and music collections on Reserve, including scores, sound recordings and videos. For academic purposes other than performance, photocopies of excerpts of scores (paper or electronic) may be placed on reserve so long as the part does not constitute a performable unit, e.g., a movement or aria. In no case may the photocopy be more than 10 percent of the whole.

Recorded excerpts of copyrighted videos, films, and sound recordings (analog or digital), including lyrics and music, may be placed on reserve. A single copy of student performances may be placed on reserve for evaluation or rehearsal purposes. Guest lecturers, performers or others who are not enrolled in the class must sign a permission waiver to be videotaped or recorded. A copy of this waiver must accompany the audio or video recording to be placed on reserve.

Off-air broadcasts may only be placed on reserve during the first ten consecutive school days after the initial broadcast. Submit the date and time the program aired, as well as the source of the recording, such as a network, independent television station or Webcast.

C. Interlibrary Loan

The Library obtains photocopies of journal articles or other resources from other libraries for students, faculty and staff, in compliance with subsection 108(G)(2) of the copyright law and the guidelines established by CONTU, the National Commission on New Technological Uses of Copyrighted Works. These guidelines set a maximum number of five photocopied articles which may be requested in a calendar year from the most recent five years of a periodical that the Library does not subscribe to. ILL request forms can be submitted online.

The Library also provides photocopies of materials in Aquinas College's collections to other libraries subject to the same set of guidelines. The copy obtained through interlibrary loan must become the property of the requestor, and its use is limited to private study, scholarship, or research. The requestor must submit a completed interlibrary loan request form for each photocopy requested from another library.

When research needs require copying beyond the limits of Fair Use, permission to copy must be obtained from the copyright owner and/or payment of royalties may be necessary.

IV. Links

More information about copyright can be found at the Aquinas College [Copyright Basics webpage](#).

General

U.S. Copyright Office

<http://www.copyright.gov>

Digital Millennium Copyright Act (DMCA)

<http://www.copyright.gov/legislation/dmca.pdf>

Technology, Education and Copyright Harmonization Act (TEACH Act)

<http://www.copyright.gov/legislation/pl107-273.pdf>

Sites Pertaining to Music

Music Library Association Copyright for Music Librarians

<http://www.lib.jmu.edu/org/mla/>

Sites Pertaining to Broadcast Programs

American Library Association, Video and Copyright (url, if typed, must be all one line with no spaces)

<http://www.ala.org/Template.cfm?>

[Section=Library_Fact_Sheets&Template=/ContentManagement/ContentDisplay.cfm&ContentID=24635](http://www.ala.org/Template.cfm?Section=Library_Fact_Sheets&Template=/ContentManagement/ContentDisplay.cfm&ContentID=24635)

Sites Pertaining to Multimedia Creations and Presentations

Consortium of College and University Media Centers

<http://www.ccumc.org>

Visual Resources Association, Image Collection Guidelines

<http://www.vraweb.org/copyright/guidelines.html>

Copy Photography Computator

<http://www.vraweb.org/computator/welcome.html>

Sites Pertaining to Computer Software

All-College Computer and Network Use Policy

<http://www.aquinas.edu/about/pdf/aup.pdf>

Software and Information Industry Association

<http://www.sii.net/>

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