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| <b>TITLE: Copyright Policy</b> | <b>ORIGINAL EFFECTIVE DATE:</b><br><b>10/22/2020</b> |                   |
|                                | <b>REVISION DATE:</b><br><b>10/22/2020</b>           | <b>VERSION: 3</b> |

**(This policy rescinds any previous publication covering the same material.)**

**I. Purpose:**

To inform Aultman College faculty, staff, and students about U.S Copyright Law, fair use exceptions, and internal sanctions for illegal copyright infringement and unauthorized distribution of copyrighted material, per the Higher Education Opportunity Act of 2008, HR 4137. This policy covers all members of the college community—including administrators, faculty, staff, and students—as well as any individuals utilizing college resources—including college visitors and Aultman Health Foundation employees and affiliates.

The college is committed to maintaining integrity, trust, and honesty in all relationships. Academic integrity lies at the heart of learning, free inquiry, and the search for knowledge. Therefore, all faculty, staff, and students are required to abide by principles of academic integrity. Faculty, staff, and students are responsible for familiarizing themselves with this policy and other academic integrity policies set forth by the college.

**II. Policy:**

**Copyright**

U.S. Copyright Law (Title 17, U.S. Code, 1976) states that the holders of copyrighted materials possess the exclusive right to reproduce, distribute, perform, display, and prepare derivatives of their original, copyrighted works. However, the Fair Use doctrine and Technology, Education, and Copyright Harmonization (TEACH) Act allow for limited use in academic settings. See appropriate acts for further information.

Faculty, staff, and students are expected to be familiar with the provisions of U.S. Copyright Law and all associated amendments, provisions, regulations, and rulemakings. To maintain the academic integrity of the college, faculty, staff, and students are responsible for producing only original work. All faculty, staff, and

students are prohibited from violating U.S. Copyright Law. The college reserves the right to randomly audit the contents of its technology resources, to monitor user compliance with applicable policies, and to take appropriate action if an infraction is discovered.

#### Fair Use in Education & Research

Fair use, in nonprofit educational and research contexts, limits the exclusive rights of copyright holders by allowing educators, scholars, and students to use copyrighted materials under certain conditions without seeking permission from the copyright holder. To assess whether a use is fair, U.S Copyright Law (Section 107) provides four factors for determination:

1. The purpose or character of the 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; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

Use in a nonprofit educational or research setting does not inherently indicate fair use. Faculty, staff, and students are required to educate themselves on the principles of copyright and fair use. Faculty, staff, and students must also use good judgment and assess the nature of their use of copyrighted materials based on the four factors identified above.

#### Duplication

Copying and distributing copyrighted works may exceed fair use and infringe on the owner's copyright. Faculty, staff, and students may only use photocopies or other reproductions for private study, education, or research, as specified in U.S. Copyright Law. Copying and distributing copyrighted material by posting it online is prohibited, except in cases where access to the online platform is limited (i.e. password protected) and the use of the material falls under fair use and TEACH Act guidelines.

#### Seeking Permission

If the use of a copyrighted material extends beyond fair use, written permission must be obtained from the copyright owner to copy, distribute, or otherwise use the work. Refer to the Aultman Health Sciences Library Faculty Guide for information about and procedures for seeking and obtaining permissions.

#### Peer-to-Peer (P2P) File Sharing

The Higher Education Opportunity Act (HEOA), includes provisions related to peer-to-peer (P2P) file sharing. P2P file sharing programs allow material to be shared in digital formats, such as music and movies. The distribution and downloading of such material via P2P file sharing are an infringement of U.S. Copyright Law.

Digital resources belonging to the college, such as computers, may not be used to duplicate, share, or distribute any copyrighted material without the permission of the copyright holder, or when the nature of the use falls under the fair use and TEACH Act exceptions. The use of P2P file sharing programs to access or distribute copyrighted works is prohibited. Posting copyrighted materials to unrestricted websites is prohibited. This includes copying such material from a website to post on your own website. See the Technology Resources Acceptable and Responsible Use Policy for further details.

#### Annual Academic Copyright License

The college holds an annual academic copyright license from the Copyright Clearance Center that provides copyright clearance for a wide array of academic written material. Full coverage can be found by doing a search at [www.copyright.com](http://www.copyright.com). Questions about the Copyright License should be directed to the academic librarian.

#### College Penalties

College faculty, employees, and students are expected to comply with all policies related to the acceptable, responsible, and lawful use of resources. Failure to do so is considered a conduct violation that will be investigated and resolved according to college policy.

Violations of copyright laws and academic integrity will be subject to the procedures set forth below in the student and employee conduct policies. Appeals will be handled in accordance with college policy.

### III. **Definitions:**

**Academic dishonesty:** the fabrication or misrepresentation of another's work, either intentional or unintentional, which includes but is not limited to written materials, music, movies, television shows, pictures, and software using peer-to-peer and shared networks.

**Cheating:** the act of deception when a student misrepresents information on an academic exercise.

**Peer-to-Peer (P2P) file sharing:** the sharing and transferring of digital files from one computer to another. The computers may be connected over the Internet, network, or through a physical connection.

**Plagiarism:** the intentional or unintentional presentation of someone else's actual works, ideas, or data as one's own work. Plagiarism includes the paraphrasing of someone else's works, ideas, or data and the use of someone else's words, ideas, or data without acknowledgment. This means the source information must be appropriately identified and cited, whether published or unpublished, copyrighted or uncopyrighted.

**Forgery:** the fabricating, altering, or counterfeiting of images, documents, or signatures on any information, data, or documents.

**IV. Procedure:**

Any student identified as potentially violating or in violation of this policy and U.S. Copyright Law will be subject to procedures set forth in the Student Code of Conduct Policy.

Any faculty or staff identified as potentially violating or in violation of this policy and U.S. Copyright Law will be subject to procedures set forth in the Aultman Health Foundation Code of Conduct.

Additionally, any faculty, staff, or student who is found to be in violation of this policy and U.S. Copyright Law by P2P file sharing through the campus network will be denied access to the campus network until the individual ceases all unauthorized sharing, deletes all infringing files, and agrees not to violate this policy and U.S. Copyright Law in the future.

Civil and Criminal Penalties

Violations of U.S. Copyright Law may also lead to civil and criminal penalties. For more information, see the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

**V. Approvals:**

**Academic Council:** 4.14.16 **Faculty Council:** 04.08.19; 10.12.20

**Administrative Council:** 4.26.16; 04.15.19; 10.19.20

**Legal review:** February 2019

**VI. Location:**

- Catalog [entire policy]
- Website
- Faculty Handbook

**VII. Related Aultman College Policies**

- [Student Code of Conduct](#)
- [Aultman Health Foundation Code of Conduct](#)
- [Technology Resources Acceptable and Responsible Use Policy](#)

**VIII. Additional Resources**

- [Aultman Health Sciences Library Faculty Guide](#)

Legislation

- [Higher Education Opportunity Act \(H.R. 4137\)](#)
- [HEOA Campus File Sharing Requirements \(8/11/2008\)](#)
- [U.S. Copyright Office](#)
- [Digital Millennium Copyright Act \(DMCA\)](#)
- [Technology, Education and Copyright Harmonization \(TEACH\) Act](#)

Education on Copyright

- [Know Your Copy Rights](#)
- [Copyright Crash Course – University of Texas Libraries](#)

#### Education on Fair Use

- [Fair Use Checklist – Columbia University](#)
- [Fair Use Best Practices – Center for Media & Impact, American University](#)
- [Copyright & Fair Use: Charts and Tools – Stanford University](#)
- [Copyright Term and the Public Domain in the United States – Cornell University](#)

#### Accessible Resources

- [Copyright Clearance Center](#)
- [Creative Commons](#)