

# Policy Manual



<b>Title:</b> College Copyright Policy	<b>Number:</b> 6Hx2-8.05
<b>Legal Authority:</b> <i>United States Constitution Article I, Section 8; Title 17 of the U.S. Code; Fla. Statutes: 1001.65</i>	<b>Page:</b> 1 of 2

## GENERAL STATEMENT

The President shall establish procedures and provide information as necessary to ensure that all faculty and staff at Broward College (the College) comply with all laws regarding copyright as enumerated in the United States Constitution Article I, Section 8, and to act in good faith when using copyrighted materials to support education and research activities.

## THE POLICY and THE STUDENT

All BC students are expected to have a basic understanding of copyright law and to adhere to all laws regarding Copyright, Fair Use, and the Digital Millennium Copyright Act, and to act in good faith when using copyrighted materials to support their educational and research activities. Copyrighted material includes text, music, videos, games, movies, and software.

## THE POLICY and THE FACULTY AND STAFF

All BCC employees are expected to have a basic understanding of copyright law and to adhere to all laws regarding Copyright, Fair Use, the Digital Millennium Copyright Act, and the TEACH Act, and to act in good faith when using copyrighted materials to support educational and research activities. Copyrighted material includes text, music, videos, games, movies, and software.

## IMPLEMENTATION and OVERSIGHT

The President shall appoint a college-wide ad hoc Copyright Policy Committee whose membership consists of one faculty member from each campus, a student affairs representative, an academic administrator, a librarian and/or library administrator, informational technology department representative, an instructional technology department representative and the Board of Trustees's Legal Counsel or her/his designee, to address any issues concerning the proper interpretation of this procedure and to resolve any disputes between a copyright owner and BCC concerning infringement of a work.

The President shall designate the Board of Trustees Legal Counsel as BC's Copyright Compliance Agent to receive reports of copyright infringement, to convene the college-wide Copyright Policy Committee, and to forward to the President a recommendation regarding action to take to address the reported copyright infringement.

## VIOLATION OF POLICY

Faculty, staff and students who fail to comply with the copyright law and willfully infringe it may face fines, and civil or criminal penalties from the U.S. courts. Employees in violation of these established procedures and requirements may be subject to disciplinary action, up to and including termination. Students in violation of these established procedures and requirements may be subject to disciplinary action as outlined in the Student Handbook.

**History:** *New Policy March 21, 2008 Combines 6Hx2-8.05 Copyright Procedure for Faculty and Staff and 6Hx2-8.06 Copyright Procedure for Students; revised February 26, 2013*

<b>Approved by the Board of Trustees</b>	<b>Date</b> 02/26/2013	<b>President's Signature</b> 	<b>Date</b> 02/26/2013
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## DEFINITIONS

Copyright - The owner of a copyright has the exclusive right to do and/or authorize others to do such things as:

- Make copies
- Distribute the work
- Display the work
- Perform the work publicly
- Create derivative works (other works based on the original work).

Fair Use - The Fair Use limitation allows BC faculty and staff to copy, view, display, and distribute copyrighted materials for classroom use without seeking permission.

Even legitimate copies of films or videos may be legally shown as long as they are part of face-to-face instruction. Fair Use of copyrighted materials is not automatic. These four factors must be considered on a case-by-case basis to determine if the use is fair:

Is the purpose and character of the use educational or commercial?

Is the nature of the work factual or creative?

What is the amount and substance of the work to be used?

Will use affect the market value of the work?

Digital Millennium Copyright Act - The Digital Millennium Copyright Act (DMCA) enacted in October 1998, amended the Copyright Act, by adding specific provisions relating to digital content. The DMCA enforces laws to prevent the circumvention of software or other technological locks that give copyright holders the right to control access, print, download, copy, or further distribute their digital works.

Teach Act - The Technology, Education and Copyright Harmonization (TEACH) Act was enacted in November 2002, as an amendment to the Copyright Act of 1976. Found in section 110(2) of the Act, it covers distance education as well as face-to-face teaching which has an online, hybrid, or broadcast component.

The College reserves the right to change this policy at any time without prior notice or consent.

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