

**SOUTH FLORIDA STATE COLLEGE
ADMINISTRATIVE PROCEDURES**

PROCEDURE NO. 1140

TITLE: COPYRIGHT COMPLIANCE

BASED ON POLICY: 1.14 COPYRIGHT

OFFICE OF PRIMARY RESPONSIBILITY: VICE PRESIDENT FOR ACADEMIC
AFFAIRS AND STUDENT SERVICES

I. Purpose:

To assist faculty and staff of South Florida State College (SFSC) to understand and comply with copyright law

II. Procedure:

Due to the broad and continually changing nature of copyright guidelines, the U.S. copyright website should be visited to view the most current copyright guidelines and laws. Please refer to this website (copyright.gov) for the latest news and guidelines. Specific copyright questions should be referred to the SFSC Copyright Committee as shown on the SFSC copyright website at: southflorida.edu/copyright

A. Computer software

1. Backup copies: one backup copy of computer software may be made for archival purposes in case the original is destroyed
2. Computer laboratories: except for the backup copy exemption above, software may not be duplicated without appropriate licenses or agreements
3. Multiple loading: loading programs into several computers for simultaneous use is only permitted with a license
4. Networks: computer software may not be used in a network (LAN or WAN) without a license

For additional information on copyright compliance with computer software and databases, visit the SFSC copyright website at: southflorida.edu/copyright

B. Copyright infringement

Employees who willfully disregard the College's copyright policy do so at their own risk and assume all liability, including the possibility of dismissal for copyright infringements. For more information, visit the College copyright

website at: southflorida.edu/copyright or the Copyright Office website: copyright.gov/title17/92chap5.html.

C. Fair Use

Fair use (Section 107 of the Copyright Act of 1976) balances the rights of copyright holders with the need of scholars to promote teaching, research and the free exchange of ideas. Fair use defines particular circumstances in which it is permissible to use copyrighted material, free from permissions and royalties. Breaking and/or Decoding a Master Disc is an acceptable practice, along with other similar activities as described in U.S. Copyright law and exceptions, granted under Fair Use. Four factors are considered in weighing fair use:

1. Purpose and character of use (non-profit education versus commercial use)
2. Nature of the material being used (factual or fictional in nature, degree of creativity, published or unpublished)
3. Amount and substantiality of the portion used in relation to the whole
4. Effect of the use on the potential market for or value of the copyrighted work

For detailed information to help clarify fair use, visit the College copyright website at: southflorida.edu/copyright.

D. Obtaining permissions

Permission from the copyright holder must be obtained for items not meeting fair use or other copyright exemption guidelines.

Each employee should contact the copyright holder and ask permission to use the resource, specifying all methods and places of use, such as paper copies to students, face-to-face classroom presentation, inside the password-protected course management system, etc., as well as permission to edit the resource, if desired.

Each department chair is responsible for obtaining copyright permissions. Please submit requests for permissions at least six weeks before the material

is needed. Alternatively, the department chair or employee may contact the LMS coordinator in the Educational Technology Department who may process the request through the Copyright Clearance Center.

For additional information on obtaining copyright permission, visit the College copyright website at: southflorida.edu/copyright.

E. Record keeping for software

Each department chair is responsible for maintaining a copyright log that will detail any software license and/or agreement that the department purchases. Each department chair shall provide a copy of the log and license to the Information Technology Department (IT).

Any multiple department purchases or site licenses are the responsibility of the IT Department.

F. Technology, Education, and Copyright Harmonization (TEACH) Act of 2002

If educators remain within the boundaries of the law, they may use certain copyrighted works without permission from, or payment of royalties to, the copyright owner and without copyright infringement.

Some examples of works that can be used:

1. Non-dramatic literary works (charts, journal articles, maps, book chapters, some types of music, etc.)
2. Limited portions of dramatic literary works (plays, operas)
3. Any work in ways that would typically occur in the physical, live classroom (including audiovisual works like videos)

Some examples of works that cannot be used unless granted permission or have purchased rights:

1. Those works produced for the sole purpose of being used in distance education
2. Required reading (textbooks, course packs, consumable workbooks)
3. Unlawfully made copies

For clarification of the TEACH Act of 2002, visit the College copyright website at: southflorida.edu/copyright.

G. Updates

For complete updated copyright guidelines and information, go to the College's website at: southflorida.edu/copyright.

HISTORY: Last Revised: 11/5/18

Adopted: 7/23/93

Reviewed: -

Revised: 1/21/02, 6/1/05, 5/20/08, 1/13/09, 3/19/13, 3/31/15, 11/5/18