

Piedmont Virginia Community College

I – Academic Affairs Policies

I.35.0 Copyright Policy

Policy #:	I.35.0
Effective:	September 2008
Revised:	
Responsible Dept.:	VPISS

Purpose

The purpose of the copyright policy for Piedmont Virginia Community College is to comply with the federal Copyright Act (17 U. S. C. §101, et seq.) <http://www.copyright.gov/title17/>.

Policy

Piedmont Virginia Community College faculty, students and staff must adhere to the federal copyright law (17 U. S. C. § 101, et seq.), <http://www.copyright.gov/title17/>, and guidelines outlined in the procedures.

Procedure

Copyright law is based on a statement in the Constitution giving Congress "the power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

As you consider using technology to transmit information to your students, you should begin with the presumption that copying, distributing or displaying works produced by others without their express permission is prohibited by the copyright statute. While the federal copyright statute has exceptions that allow educators to use materials protected by copyright, it is not always easy to determine whether these exceptions apply to your specific case.

Dos and Don'ts

There are few clear unequivocal dos and don'ts in copyright matters. Here are some that might surprise you.

- **Don't** feel free to copy and distribute material from a book that is out of print. There is probably a copyright owner of the material.
- **Do** use any material published in the United States before 1923. This material is in the public domain.
- **Don't** copy workbooks, lab manuals or other consumable material prepared for the education market. Do not distribute them in your class or insert them in your Blackboard course.
- **Do** show legally obtained videotapes to your classes.

- **Don't** plan to show a commercially made videotape to a student group that you sponsor. Even if no money changes hands, a publicly announced showing of a videotaped performance is not permitted (unless it is a videotape of your wedding).
- **Do** copy small portions (one cartoon, 1000 words of prose, one illustration or one picture from a book) for distribution to your class or in your Blackboard course, as long as access is limited to enrolled students. But only one time. After that, request permission from the copyright holder.
- **Do** use student papers as examples in your class or Blackboard course. Remember, however, that as soon as a composition is committed to paper, the work has copyright protection. Ask students to sign a form giving you permission to use the material.
- **Don't** assume that material without a copyright statement attached is unprotected by copyright.
- **Don't** assume that material you find on the Internet is unprotected by copyright.
- **Do** feel free to create a link on your website (or in your Blackboard course) to websites on the Internet that will be helpful to your students. Of course you will want the students to be able to see the name of the Web site's creator.
- **Do** use articles on your Web site from the VIVA databases (such as InfoTrac) licensed by higher education in Virginia. Ask in the library for more information.
- **Don't** create material in your Blackboard course or on a CD-Rom that uses any combination of audiovisual material, music, text, photographs and illustrations without reviewing the limitations described in the paragraph below on the Patent and Trademark Office's Conference on Fair Use ([CONFU](#)).
- **Do** show a videotape of a television program taped by the College in your classroom, and destroy the tape after 10 days. (Additional rules apply.)
- **Don't** assume that acknowledging the author of a work created by someone else on your Web site (or in your Blackboard course) allows you to use material freely. If you plan to download material into your Blackboard course, please see the next several items.
- Ask [Linda Cahill](#) or [Crystal Newell](#) in the library if you have any questions. We may not be able to personally provide an answer, but we can guide you to resources that can help you make an informed decision.

Exceptions

Listed below is a quick overview of the exceptions in the US Copyright Law that are important to educators. There are links to the statute itself, thanks to Stanford Fair Use Web site.

[Section 110](#) enumerates some of the exceptions. Number one is the exception that allows faculty members to perform or display a dramatic work in face-to-face instruction. Number two reflects the change to copyright law by the TEACH Act that allows performance or display of parts of dramatic works in distance learning courses. The link below describes the conditions that must be met to use this part of the law to authorize use of copyrighted materials.

[New Copyright Law for Distance Education: The Meaning and Importance of the TEACH Act.](#)

This article by Kenneth D. Crews, prepared for the American Library Association, describes the duties of faculty members to meet the requirements of the TEACH Act.

One key requirement that must be in place before faculty can base their use of copyrighted material on the TEACH Act is that the institution has a copyright policy. This and other stringent provisions in the TEACH Act make other exceptions in the statute more useful.

The exceptions to the rights of the owners of copyrighted material especially useful to educators are known as Fair Use and are set out in [Section 107](#) (from the Stanford Web site) of Chapter One of the Copyright Law. "Fair use" refers to use of material that does not infringe on the owner's rights.

The four factors in this section are applied in a way that can only be described as murky and imprecise; think of each factor as a continuum with copyright compliance on one end and illegal use on the other. The relative importance of each of the factors is a further complication. The final arbiter can only be a judge.

1. **The intended use of the material.** Use in classroom teaching at PVCC is on the compliance end of the spectrum. But keep reading, because this factor alone will not exempt you from the other factors.
2. **The nature of the copyrighted work.** Use of material that is scientific or factual in nature is on the compliance end of the spectrum, while use of fiction is less likely to be considered in compliance.
3. **The amount and substantiality of the portion used.** Using a small amount of the work keeps you on the compliance end. Not using the heart of the work is a factor as well.
4. **The effect of the use upon the potential market.** Handing out copies you have made of a workbook or other consumable material prepared for the education market clearly is on the non-compliance end of the spectrum for this factor.

Some guidance in the application of these factors is given to educators in an agreement signed by representatives of publishers and authors in 1976. [The University of Texas Guidelines for Classroom Copying of Books and Periodicals](#) is an adaptation of that agreement with minor changes.

Additional guidance is available from another source-the proposed guidelines that grew out of the Patent and Trademark Office's Conference on Fair Use (CONFU). CONFU was an attempt to bring the 1976 guidelines for educators up to date given the changes in technology. The key word here is *proposed*. The parties could not agree to the guidelines. The Stanford University Web site [Proposed Educational Guidelines on Fair Use](#) has a clear description of the proposed guidelines.

Other Online Resources

[Copyright and Fair Use](#) is the Stanford University Libraries' Web site on copyright and fair use issues, long considered an excellent resource for questions about copyright.

[University of Texas Crash Course in Copyright](#) offers a thorough look at copyright.

[North Carolina State TEACH Toolkit](#) is an online resource for the TEACH Act.

[A Tough Act to Follow](#) is an excellent guide to the TEACH Act, this article is in the InfoTrac database. Available only through computers on campus and to current PVCC faculty, staff, and students from off campus. (Link to Remote Access Instructions)

[Public Domain Determinations](#) is a handy guide to determining whether a work you want to use is in the public domain. Created by Lolly Gasaway at the University of North Carolina.

[Copyright in the Library](#), a University of Texas Web site, has evaluations of specific proposals based on the fair use factors. While you cannot rely on this for legal advice, you will see considered opinions given by knowledgeable people. Although the specific issues refer to the library uses, they have a broader application.

[Creative Commons](#) is a non-profit organization that allows flexible copyright licenses for creative works. Check the education section for material you might want to use.

[Copyright at George Mason](#) has the copyright policy of George Mason University, as well as links to procedures.

[Copyright Clearance Center](#), which formed in 1978 to facilitate compliance with the copyright law, is the largest licensor of text reproduction rights. Faculty at member institutions may receive instant approval for reproducing articles if the publisher (copyright owner) is represented by the Copyright Clearance Center.

[Art Museum Image Consortium](#) (AMICO) was a not-for-profit organization of institutions with collections of art that operated from 1997 to 2005 to enable educational use of museum multimedia. It remains online as an archive.