

COPYRIGHT

I. Policy Section

3.0 College Operations

II. Policy Subsection

3.0 Grand Rapids Community College Copyright Policy

III. Policy Statement

It is the policy of Grand Rapids Community College (GRCC) that all members of the College community adhere to the provisions of the U.S. Constitution, Article 1, Section 8 and the Copyright statute, 17 U.S.C. SS101 et seq. including the Digital Millennium Copyright Act (DMCA) of 1998, and the TEACH Act in regard to all formats, including but not limited to, print materials, digital files, computer software (installed and web-based), copies, video, audio, film, slides, and kits.

Copyright is a constitutionally conceived property right designed to promote the progress of science and the useful arts by securing for an author the benefits of his or her original work of authorship for a limited time. This statute balances an author's interest against the public interest in the dissemination and reproduction of information.

A. Administrative Responsibility

The GRCC Library & Learning Commons (LLC) coordinates the implementation of GRCC copyright policies.

B. Individual Responsibility

Members of the GRCC community who willfully disregard the copyright policy do so at their own risk and assume all liability and criminal penalties as defined in Title 17 of the U.S. Code.

C. Audit

The College will conduct periodic verification of compliance with federal copyright law. Employees will comply by providing materials upon request. Failure to comply with this policy may result in disciplinary action up to and including termination.

D. Copyright Notice

GRCC ePrint will place the following notice on or near all duplication devices, e.g. departmental photocopiers, scanners, video recorders, etc.

NOTICE: THE COPYRIGHT LAWS OF THE UNITED STATES, TITLE 17 U.S.C., GOVERNS THE MAKING OF PHOTOCOPIES OR OTHER

REPRODUCTIONS OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

E. Fair Use

There is no simple test to determine fair use. Section 107 of the Copyright Act sets forth four considerations to help you judge fair use.

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

Only the courts can authoritatively determine Fair Use. Uses that exceed the guidelines given here may or may not be Fair Use.

The limitations and conditions set forth in these guidelines do not apply to works in the public domain - such as United States or Michigan State Government works or works on which copyright has expired - or to works for which the individual or institution obtains permission for the particular use. License agreements may govern the uses of some works and users should refer to the applicable license terms for guidance.

IV. Reason for the Policy

Legal compliance

V. Entities Affected by this Policy

Copyright holders
Classroom Instructors
Employees
Library & Learning Commons
Media Technologies
GRCC ePrint

VI. Who Should Read This Policy

GRCC faculty, staff, and students

VII. Related Documents

Copyright Subject Guide <http://subjectguides.grcc.edu/copyright> GRCC
Information Technology Acceptable Use Agreement: <http://cms.grcc.edu/aua>

GRCC Student Code of Conduct <http://cms.grcc.edu/student-conduct/code-conduct>

VIII. Contacts

Policy Holder: Director of Library and Learning Commons
Video Content Production Manager
Director of GRCC ePrint
General Counsel

IX. Definitions

- A. Archival Copy: an original or a copy of an original kept in a restricted area. A contract or license held by the copyright owner determines use. The term usually refers to computer software and audio/video recordings.
- B. Creative Commons License: a public copyright license that allows the free distribution of a given work. <http://subjectguides.grcc.edu/oerguide>
- C. DMCA: The Digital Millennium Copyright Act became law on October 28, 1998 in an attempt to address copyright-related issues overlooked in the United States Copyright Act of 1976 including those related to the presentation of digitally stored and produced materials and presentations on the Internet.
- D. Duplication: reproducing or copying material by any means including, but not limited to, writing, typing, photocopying, scanning, facsimile, downloading, and video, DVD or audio recording.
- E. Face-to-Face Teaching: an educator engaged in an instructional activity. The activity must take place in a classroom, must be part of systematic instruction, and the class must be comprised of registered students and/or faculty and professional staff.
- F. Fair Use: the right to use copyrighted materials without consent of the copyright owner, usually for scholarship, teaching, research, or criticism. There are four factors to consider in determining whether a particular use is Fair Use. They are given in Section III-E.
- G. Multimedia: a production involving more than one medium (i.e. a combination of text, pictures, sound, graphics, film-clips, etc.).
- H. Off-Air Recording: recording programs broadcast over channels normally received free (e.g. with a normal antenna). This does not include programs only received by cable, internet or satellite.

- I. Open Educational Resources (OER): any copyrightable work (traditionally excluding software which is described by other terms like “open source”) that is licensed in a manner that provides users with free and perpetual permission to engage in the use of such work. <http://subjectguides.grcc.edu/oerguide>
- J. Public Domain: works not protected by copyright.
- K. Public Performance: performances open to the public or open to a group outside the normal circle or family of social acquaintances. A film shown on campus and advertised to the public is a public performance and requires Public Performance Rights (PPR) licensing. Some recordings include PPR in the purchase or term license.
- L. TEACH Act: The Technology, Education, and Copyright Harmonization (TEACH) Act is a distance education update of copyright law. The TEACH Act exemption is one of several options faculty and students have when using copyrighted works in their course materials. The TEACH Act states it is not copyright infringement for teachers and students at an accredited, nonprofit educational institution to transmit performances and displays of copyrighted works as part of a course if certain conditions are met. If transmission cannot meet these conditions, use of the material will have to qualify as a Fair Use or employees must obtain permission from the copyright holder(s).

X. Procedures

A. Photocopies

GRCC ePrint will place the copyright statement on or near all photocopy machines.

Presume Copyright Protection for most works unless the author is a government entity or the copyright holder intends the work to be in the public domain.

Employees may photocopy copyrighted materials without express permission within the Fair Use guidelines in Section III-E. To photocopy materials where copying is not Fair Use under the guidelines in III-E, permission must be obtained from the copyright owner. Consult a Librarian for assistance using the Copyright Clearance Center available from within the Library Subject Guide (see Section VII-C).

GRCC ePrint will not duplicate copyrighted materials unless you have obtained permission in writing. Seek permission each time you use the material.

B. Media Content

The Copyright Act protects producers and distributors of motion pictures, audio recordings, and other emerging media content. GRCC adheres to national guidelines.

Rented or Purchased Media

The Copyright Law makes a distinction between classroom use and public performance. Legally obtained short films, feature films, or other recordings may be used in the classroom for instructional purposes. For materials purchased, licensed or rented with the caveat "home use only".

The use of college facilities or equipment to show media which was not legally obtained is forbidden.

Employees must rent media for specific classroom purposes. Personal paid streaming services (ex. Netflix, Amazon Prime, Vimeo, etc.) may not be used without permission. If a film is to be open to more than just registered students, faculty, and professional staff, it falls under the rules for public performance.

If a second showing will be scheduled for students who are not able to attend the original showing, that second showing must be arranged when the film is ordered and made a part of the film or video rental contract. Many companies charge an extra fee to show a film or video a second time, even if it is for a student in the original class. The Library may not place rented material on Reserve.

In an emergency, employees may duplicate a video to replace a purchased copy that is lost or damaged. A replacement copy must be purchased. The Library purchases some films and videos with public performance rights. Instructors should contact the Library to determine license status before planning a program.

Employees may use videos purchased by an individual in a classroom but cannot use them for a public performance unless performance rights are obtained.

Recording of Campus Events - Permissions

The College assumes permission to record presentations by registered students, faculty, and staff if the recording is on-campus. Written permission by the presenter or sponsor is required for presentations made by any other individual or group, regardless of the recording's purpose. If a presentation by an outside individual or group contains copyrighted material, the guideline

below also apply.

Recording of Campus Events - Archival Copies

Employees may produce an archival copy of non-classroom events using copyrighted materials if the presenter provided appropriate evidence that they obtained clearance from the copyright holder to use these materials.

Recording of Campus Events - Non-Archival Copies

Employees may produce non-archival copies of presentations, whether by students, faculty, staff, or outside presenters only if they obtained written permission in advance from all copyright holders allowing the duplication of the material. For example, it may be necessary to obtain permission from the author, publisher, and director of a play.

Audiovisual Production Work - Using existing footage

A student or employee may incorporate existing video footage into a video they produce for a class project or educational program if the borrowed material does not constitute more than 10% of the original or does not comprise the majority of the student's finished class project.

Audiovisual Production Work - Using pre-recorded music

Employees may use music only if they purchase rights to copyrighted music from the music publisher or copyright owner.

Copying Media

Media Technologies will not duplicate any media-carrying copyright without the written consent of the publisher or copyright owner.

C. Performed Music

Use of Music

Procedures and policies for obtaining rights to use a musical composition are well established and it is usually clear who owns the copyright. However, negotiations are normally necessary with several different parties to obtain rights for use as multimedia content.

NOTE: GRCC employees and students should be aware that electronic sharing of copyrighted music files is an infringement of Copyright law and GRCC Policy. Electronic sharing of copyrighted music files is inappropriate use of the College's computers and network resources as defined by the College's Acceptable Use Agreement (AUA). A violation of the AUA may result in disciplinary action up to and including dismissal.

A Mechanical License is needed to make and distribute records, tapes,

compact discs, digital media, or other material objects in which a recording of a musical composition is embodied. This license is authorized from the composer of the work or publisher, not the performer. A compulsory mechanical license is generally available under the U.S. Copyright Act.

Permission must be obtained from copyright holders in order to use music in multimedia works. The number of seconds that can be used in a composition is limited. Multimedia works are not sequential; therefore, compositions could be played multiple times within the composition.

Public performances are controlled by the copyright holder of the musical composition. Producers of a multimedia product should make sure that licenses cover any copyrighted music included in their product, or obtain other license authority for any public performance of their work.

Replacement Copies

The College expects that staff and faculty involved with performances will emphasize planning procedures to avoid use of emergency duplication on a routine basis.

D. Multimedia and Internet

As with all copyrighted materials, the principles of Fair Use apply. Once these tests have been satisfied, additional guidelines, in respect to allowances and restrictions, must be met.

The use of multimedia (sounds, images, text, data, etc.) within face-to-face teaching is normally subject to all the restrictions and covenants of the copyright law. There is a set of guidelines for the use of multimedia in presentations. Online employees should consult the Digital Millennium Copyright Act. <https://www.copyright.gov/legislation/dmca.pdf>

Copyright law applies to materials on the Internet to the same extent that it applies to material found in traditional formats.

Copyright may protect a work even if published without a copyright notice unless accompanied with a public domain statement or Creative Commons license. Copyright applies automatically once an author fixes some aspect of a protectable work in a tangible medium (such as an Internet server). Notice is not required; registration is required only if the work originates in the United States and if the author desires legal action.

The College considers any media displayed on the Internet as part of a web page and accessible outside the GRCC community a public performance except when defined as Fair Use. Written permission must be obtained to use copyrighted material on the Internet and the user must be able to produce a

copy of that permission upon request.

1. Use of Links on Internet Sites

- a. Links are not protected under copyright. A site's existence on the Internet gives implied permission to link to that site.
- b. The owner of a page has the right to block any link to that page.
- c. A list of links created by someone else may be copyrightable under a compilation copyright; therefore, a list of links may not be copied in its entirety to an Internet page. Instead, a link can be made to the existing Internet page.
- d. GRCC discourages the practice of linking to sites that contain material that may have been posted without copyright permission.

2. Use of Images

- a. Scanned or downloaded images may not be used without written permission (see Use of Copyrighted Material, above), except as noted in Fair Use guidelines.
- b. Images from the Internet should be considered copyrighted unless stated otherwise.
- c. Links may be made to images on other sites.

E. Software

The United States Copyright Act of 1976 as amended pertains to computer software as well as printed materials, and the College interprets the Act in this context as follows:

1. The unauthorized duplication of any software which is licensed or protected by copyright is theft, and thus unethical.
2. Failure to observe software copyrights and/or license agreements may result in disciplinary action by this institution and/or legal action by the copyright owner.
3. You may not use any College-owned computing resources for unauthorized commercial purposes.
4. Respect for the intellectual work and property of others is central to the mission of colleges and universities. GRCC does not tolerate plagiarism and does not condone the unauthorized duplication of software applications, databases, and code.

All software used on campus, whether in a classroom, lab, staff workstation or personal device while connected to a GRCC network is subject to the terms of the Acceptable Use Agreement.

<https://grcc.edu/informationtechnology/acceptableuseagreement>

All software; installed, web based, or used via external media device, that is used, accessed, installed or run from any campus computer or while connected to any GRCC owned network, must be reviewed by the Information Technology department prior to use.

XI. Forms

Online ordering for GRCC ePrint: <https://cms.grcc.edu/grcceprint>

XII. Effective Date

September 2014

XIII. Policy History

Revised: March 24, 2004

Revised: May 2012

Revised: September 2014

Revised: October 2018

Revised: November 2022

XIV. Next Review/Revision

November 2026