

Salt Lake Community College
Copyright Guidelines

Kit Giddings

Lisa Bickmore

FTLC 1000 Revision Committee

SLCC Copyright Committee

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Purpose:

The purpose of this document is to support Salt Lake Community College (SLCC) faculty with clear and consistent guidance in the use of published and unpublished teaching materials. Faculty members are governed by U.S. copyright and fair use laws, as well as SLCC copyright policy. All SLCC faculty are expected to comply with these policies.

Definition:

“The Congress shall have 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” (United States Constitution, Article I, Section 8). Copyright laws are written to protect authors and/or copyright owners from the unfair use and publication of their work while allowing the public regulated access for their own use.

Fair Use:

The Fair Use policy (Copyright Law of 1976, Section 107, Limitations on Exclusive Rights) is a revision of the Copyright Act of 1976 and gives educators more flexibility in teaching. However, the Copyright Act does not exempt educators from copyright infringements (Cambron-McCabe, McCarthy, & Thomas, 2009). The following factors from the Copyright Laws of the United States (1976) and the Salt Lake Community College Copyright Handbook (2004) describe whether or not copyright is violated:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes. In other words, teachers can't make a profit from copies they make.
2. The nature of the copyrighted work. The copied material must be used for educational purposes.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole. Teachers are limited in the number of copies they may make and may use only a portion of any given work (see guidelines below).
4. The effect of the use upon the potential market for or value of the copyrighted work. The copies a teacher makes cannot keep the copyright owner from making a living.

The terms brevity, spontaneity, and cumulative effort further define the policy of Fair Use:

Brevity: Brevity is defined according to the type of publication.

Spontaneity: Copying must be initiated by the teacher, not an administrator or supervisor.

Cumulative Effort: This restricts the use of copies to one course and places limitations on how much material may be used by the same author during a course semester.

Teachers may make multiple copies (one copy for each student in class) as long as they meet the following guidelines:

Dos and Don'ts for Use Without Prior Written Permission
Brevity
Poems: Not more than 250 words may be copied (the entire poem or an excerpt) as long as it is printed on two pages or less
Prose: A complete article of less than 2,500 words or an excerpt of not more than 1,000 words or 10 percent of the work, whichever is less
Illustrations: Copies are limited to one chart, graph, diagram, drawing, cartoon, or picture per book or periodical. Make sure that older illustrations which are considered in the public domain are not part of a copyrighted collection. Go to: www.loc.gov or www.mpa.org
Two pages maximum from an illustrated work of less than 2,500 words
"Consumables," such as workbooks may not be copied without permission
Copies may be made only from legally acquired original works (No pirated copies)
Only one copy per student is allowed
Spontaneity
The copying must be initiated by the teacher for classroom purposes, not from an administrator or supervisor
The inspiration to use the material occurs in such a manner that does not reasonably permit a timely request for permission
Cumulative effect
The copies are for use in only one course. If permission is granted for one semester, you must ask permission for each subsequent semester.
Not more than one short poem, article, or two excerpts can be copied from a given source or author during one class term
Multiple copying in a term is limited to nine instances
Copyright Notice
Include a copy of the inside cover page containing the exact title, edition, author(s), publisher, copyright date, notice of copyright, ISBN number, and other pertinent information or ,
Include the above information from the inside cover page
Movies or Motion Media
The material must be legitimately acquired
Show up to 10 percent or 3 minutes, whichever is less
The material must be used for educational purposes, not for entertainment or reward
Music, Lyrics, and Music Video
May use up to 10 percent but no more than 30 seconds from a legally obtained source

Television
Video can be taped from a free broadcast but classroom viewing must take place within 10 school days of the broadcast. Video must be destroyed within 45 calendar days of broadcast
Computer Software
Site licenses must be acquired in order to make multiple copies of software or for use between multiple computers
Only one computer at a time may use the program unless site licenses are acquired
Internet Sites
Written permission is required to make multiple copies off of a web site unless it is created by the federal government, the copyright has expired, or has been abandoned
The following practices are prohibited:
Copying cannot substitute for compilations or collective works
Consumable works cannot be copied (e.g., workbooks, standardized tests)
The same items cannot be copied from term to term
Copying cannot replace the purchase of books or periodicals

(Copyright Act of 1976; Cambron-McCabe, McCarthy, & Thomas, 2009; Salt Lake Community College Copyright Handbook, 2004)

Prior Permission:

Teachers must request prior permission from the copyright owner in writing if:

1. Making repetitive copies for classroom use which is more than one copy per student.
2. Using material for successive semesters such as handbooks, standardized tests, exercises, and workbooks.
3. Creating an anthology or collected work. Teachers may not substitute copied materials to use in place of a purchased book.
4. Even when a work is unpublished, the copyright law protects unpublished works from their creation throughout the author's lifetime plus seventy years.

SLCC faculty should be careful while using supplementary materials. If you have questions concerning a particular instance, do not hesitate to consult the resources below, including members of the SLCC Copyright Team.

SLCC Copyright Team:

Access to the list of SLCC Copyright Team members:

http://www.slcc.edu/riskmanagement/docs/copyright/copyright_team.pdf

Resources:

SLCC Copyright Handbook:

<http://www.slcc.edu/riskmanagement/docs/copyright/copyright04.pdf>

SLCC Copyright compliance information:

<http://www.slcc.edu/riskmanagement/services/copyright-compliance.aspx>

United States Copyright Office

<http://www.copyright.gov>

References:

Cambron-McCabe, N. H., McCarthy, M. M., Thomas, S. B. (2009). *Legal rights of teachers and students*, 2nd ed. Boston: Pearson.

Essex, N. L. (2011), *A teacher's pocket guide to school law*, 2nd ed. Boston: Pearson.

McCarthy, M. M., Cambron-McCabe, N. H., & Eckes, S. E. (2014). *Public school law: Teachers' and students' rights*, 7th ed. Boston: Pearson.

Salt Lake Community College Copyright Committee. (2004). *Requirements of the copyright laws as they apply to higher education*. Retrieved from

<http://www.slcc.edu/riskmanagement/services/copyright-compliance.aspx>

U.S. Copyright Office. (2011). *Circular 92: Copyright law of the united states* (Publication No. 94-553). Washington, DC: Government Printing Office.