

Excerpt from the Kellogg Community College Policy Manual – pages 98-101

Copyright Policy

Kellogg Community College is committed to complying with all applicable laws regarding copyright. In addition, the College supports:

- The responsible, good faith exercise of full fair use rights, as codified in 17 U.S.C. § 107, by faculty, librarians, and staff in furtherance of their teaching, research, and service activities.
- Copyright ownership, as specified in the College's intellectual property rights policy, for creative works by faculty, staff, and students.

To accomplish this, the College will:

1. Promote copyright compliance within the College community.
2. Make available resources concerning copyright laws in general.
3. Inform and instruct the College community about fair use and the application of the four fair use factors as set forth in 17 U.S.C. § 107 and as interpreted in applicable case law. The four fair use factors are:
 - a. The character and purpose of the proposed use.
 - b. The nature of the work to be used.
 - c. The amount and substantiality of the portion to be used.
 - d. The effect on the market or potential market for the work.
4. Make available resources concerning the application of fair use in specific situations.
5. Ensure that faculty and staff students have access to assistance in making fair use determinations.

The College will designate an administrative unit responsible for implementing this policy. The designated unit will develop regulations and procedures designed to supplement and interpret this policy. The unit will also provide direction in the use of copyrighted works and in applying fair use principles to copyrighted works.

Notice of Copyright

A written statement of copyright information including the author's name, journal or publication from which the excerpt was made, and date of copyright must appear on all copies made.

Copyright Prohibited

Duplication of consumable materials including workbooks, standardized tests, exercises, text booklets, and answer sheets are prohibited.

Copy cannot substitute for the purchase of materials or be repeated from semester to semester for the same item for an instructor.

The student cannot be charged for the copy.

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Obtaining Permission in Duplicate

1. Written permission to duplicate copyrighted work not covered by “fair use” must be obtained before the duplication center will print the material. For specific guidelines for institutional duplication congruent with the specifications of the Copyright Law Revision of 1976, please see the Duplication Copyright policy available on the Facilities Web site at <http://www.kellogg.edu/facilities>
2. In obtaining permission the following steps are recommended:
 - a. The owner of the copyrighted materials should be determined;
 - b. A letter containing the following should be written;
 - Title, author, and/or editor and edition of materials to be duplicated.
 - Exact material to be used giving amount, page numbers, chapters, and, if possible photocopy of the material.
 - Number of copies to be made.
 - Form of distribution (classroom, newsletter, etc.).
 - Whether or not the material is to be sold.
 - Type of reprint (offset, photo, ditto).
 - c. The request should be sent with a self-addressed envelope to the permission department of the publisher owning the copyright.
3. The copy of the permission to duplicate must accompany the printing request.
Videotapes/Compact Disks (In-classroom use)

Audiovisual Presentations (in class use)

In-classroom showing of a copyrighted audiovisual material is permissible under the following conditions:

1. The showing must be by instructors (including guest lecturers) or by students.
2. The showing is in connection with face-to-face teaching activities.
3. The entire audience is involved in the teaching activity.
4. The entire audience is in the same room or same general area.
5. The teaching activities are conducted by Kellogg Community College (or a non-profit education institution).
6. The showing takes place in a classroom or similar place devoted to instruction, such as a school library, gym, auditorium, or workshop.
7. The audiovisual material is lawfully made; and the person responsible had not reason to believe the audiovisual material was unlawfully made.

Performance or Display of Copyrighted Works (Distance Learning)

The following uses of copyrighted works in distance learning are permissible under the conditions outlined:

1. The performance of a non-dramatic literary or musical work, or reasonable and limited portions of any of any other work.
2. The display of a work in an amount comparable to that which is typically displayed in the course of a live classroom session.

The conditions that must be met are:

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1. The work cannot be one that was produced or marketed primarily for performance or display as part of mediated instructional activities. Examples of prohibited works include textbooks, course packs, recordings, or videos that are typically purchased by the students for their independent use and retention.
2. The work to be performed or displayed was legally obtained.
3. The performance or display is made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of Kellogg Community College.
4. The performance or display is directly related and of material assistance to the teaching content of the transmission.
5. The transmission is limited to students officially enrolled in the course for which the transmission is made.
6. Notice is made to students when works performed or displayed in connection with the course are subject to copyright protection.
7. When the performed or displayed work is digitally transmitted:
 - a. Technological measures are to be applied that reasonably prevent retention of the work by the students for longer than the class session.
 - b. Technological measures are to be applied that reasonably prevent unauthorized further dissemination of the work by such students to others.
 - c. Technological measures used by copyright owners to prevent such retention or unauthorized further dissemination are not interfered with.

Multimedia Materials (Audiovisual)

See Library web site for additional information at <http://www.kellogg.edu/library/collection.html>

Non-print media is an effective alternative to print media for the dissemination of information in some subject areas. The selection of non-print media is based on the same principles as the selection of books. In addition the following criteria are considered:

1. Appropriate academic level
2. Technical quality of color, sound, continuity, etc. must be good
3. Currency and timeliness of the materials
4. Cost effectiveness
5. Appropriateness of the audio-visual format in a subject area
6. Compliance with copyright law

For purposes of this policy, a sound recording is defined as any device used for the storage of sound.

1. Sound recordings are purchased in the format for which the best playback equipment is available.
2. Video formats are purchases that support the curriculum and degree programs of the College. They will not be added to the collection unless they were produced in compliance with the current copyright law.

Web Guidelines

For full guidelines see <http://www.kellogg.edu/webguide/index.html>.