

# Policy Manual



<b>Title:</b> College Copyright Policy	<b>Number:</b> 6Hx2-8.05
<b>Legal Authority:</b> <i>United States Constitution Article I, Section 8; 17 U.S.C.; Florida Statutes 1001.65</i>	<b>Page:</b> 1 of 2

## GENERAL STATEMENT

The President shall establish procedures and provide information as necessary to ensure that all faculty and staff at Broward College (“College”) comply with all laws regarding copyright as enumerated in the United States Constitution Article I, Section 8, and to act in good faith when using copyrighted materials to support education and research activities.

## THE POLICY and THE STUDENT

All College students are expected to have a basic understanding of copyright law and to adhere to all laws regarding Copyright, Fair Use, and the Digital Millennium Copyright Act, and to act in good faith when using copyrighted materials to support their educational and research activities. Copyrighted material includes text, music, videos, games, movies, and software.

## THE POLICY and THE FACULTY AND STAFF

All College employees are expected to have a basic understanding of copyright law and to adhere to all laws regarding Copyright, Fair Use, the Digital Millennium Copyright Act, and the TEACH Act, and to act in good faith when using copyrighted materials to support educational and research activities. Copyrighted material includes text, music, videos, games, movies, and software.

## IMPLEMENTATION and OVERSIGHT

The Dean for Libraries and Academic Success Centers will act as the College’s Copyright Compliance Agent to receive reports of copyright infringement. The compliance agent will address any issues concerning the proper interpretation of this policy and resolve any disputes between a copyright owner and College concerning infringement of a work, in consultation with the Vice President for Academic Affairs and the Vice President for Information Technology and the College’s General Counsel.

## VIOLATION OF POLICY

Faculty, staff and students who fail to comply with the copyright law and willfully infringe it may face fines, and civil or criminal penalties from the U.S. courts. Employees in violation of these established procedures and requirements may be subject to disciplinary action, up to and including termination. Students in violation of these established procedures and requirements may be subject to disciplinary action as outlined in the Student Handbook.

## DEFINITIONS

**Copyright** - The owner of a copyright has the exclusive right to do and/or authorize others to do such things as:

- Make copies
- Distribute copies of the work
- Display the work publicly
- Perform the work publicly
- Prepare derivative work (other works based on the original work)

<b>History:</b> <i>New Policy March 21, 2008 Combines 6Hx2-8.05 Copyright Procedure for Faculty and Staff and 6Hx2-8.06 Copyright Procedure for Students; revised February 26, 2013; revised June 27, 2017</i>			
<b>Approved by the Board of Trustees</b>	<b>Date:</b> 06/27/17	<b>President’s Signature</b> <i>J. David Anthony Jr.</i>	<b>Date:</b> 06/27/17

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**Fair Use** - The Fair Use limitation allows the College faculty and staff to copy, view, display, and distribute copyrighted materials for classroom use without seeking permission.

Legally purchased films or videos may be shown in the classroom as long as they are part of face-to-face instruction. Fair Use of copyrighted materials is not automatic. These four factors must be considered on a case-by-case basis to determine if the use is fair:

- Is the purpose and character of the use educational or commercial?
- Is the nature of the work factual or creative?
- What is the amount and substance of the work to be used?
- Will use affect the market value of the work?

**Digital Millennium Copyright Act** - The Digital Millennium Copyright Act (“DMCA”) enacted in October 1998, amended the Copyright Act, by adding specific provisions relating to digital content. The DMCA enforces laws to prevent the circumvention of software or other technological locks that give copyright holders the right to control access, print, download, copy, or further distribute their digital works.

**TEACH Act** - The Technology, Education and Copyright Harmonization (“TEACH”) Act was enacted in November 2002, as an amendment to the Copyright Act of 1976. Found in section 110(2) of the Act, it covers distance education as well as face-to-face teaching which has an online, hybrid, or broadcast component.

The College reserves the right to change this policy at any time without prior notice or consent.

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