

**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	COPYRIGHT LAW	Procedure Number:	1-3-115.1
Institutional Authority:	Vice President of Education and Training		
Associated SBTCE Policy/Procedure:			
Governing ATC Policy:	1-3-115		

Approved:  President  Vice President of Education and Training

Date Adopted: 07/01/2004
Date Revised: 02/22/2010

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

Employees are prohibited from copying copyrighted works unless the action is authorized by (a) specific exemptions in the copyright law, (b) the principles of fair use, (c) the fair use guidelines, or (d) licenses or written permission from the copyright owner.

Employees are prohibited from “performing” copyrighted works unless the performance is authorized by (a) title 17, U.S. Code, Section 110(1), (4) or (98), (b) performance licenses, (c) purchase order authorization, or (d) written permission from the copyright owner or the owner’s agent.

Employees who willfully disregard this policy do so at their own risk and assume all liability, including the possibility of dismissal for copyright infringements.

Applications

With the onset of the digital culture via computers and peripherals, more instructors are looking to “multimedia” as a tool to enhance learning. In this environment, presentations are developed that incorporate text, graphics, sound, visual motion, and various types of transitions. It is the responsibility of each instructor to be aware of the copyright status of the material being used.

As of March 1, 1989, copyrighted works are not required to carry the copyright symbol (i.e. ©). It is best to assume that a work is copyrighted unless clearly stated that it is not copyrighted and is in the "public domain".

Examples of such copyrighted works are as follows:

- Music (e.g., use of a purchased CD; legal ownership does not equal right to use copyrighted work; it is the first step in acquiring copyright approval).
- Graphics and photographs from your on-line service (e.g., America On-Line, etc.), a CD (e.g., Encarta, ADAM, etc.), or the Internet.
- Video segments from commercially produced works.
- Use of Web Pages (i.e., logos, photographs, graphics, source programming, etc.)

Applications of the copyright law to copying for educational purposes in the absence of written permission from the copyright holder follow:

Single copies for teachers

For scholarly research or use in teaching, a single copy may be made of a chapter from a book, an article from a magazine, a short story, short essay or short poem, a chart, graph, diagram, drawing, cartoon, or picture from a book or magazine.

Multiple copies for classroom use

The following conditions apply: (1) a notice of copyright is included, (2) timing renders it unreasonable to wait for permission, (3) the same material is not used from term to term, and (4) materials will be used for only one course in the College. An individual instructor's copying per term must not exceed the following: on complete article, story, essay or short poem from a single author; two excerpts from a single author; three excerpts from a collective work; nine works from all sources. An instructor may not copy from "consumable" works such as workbooks, exercises, standardized tests, test booklets, or answer sheets.

If the above conditions are met, instructors may make one copy per student of the following: illustrations (one chart, graph, diagram, drawing, cartoon, etc. per book or magazine issue); prose a complete article, story or essay of less than 2,500 words, an excerpt of up to 1,000 words, or 10 percent of the work, whichever is less); poetry (a complete poem or excerpt, not to exceed 250 words).

Recording television programs

Programs may be recorded from transmissions to the general public, but not from premium-pay cable sources. For instructional purposes they may only be shown once and repeated once within 10 teaching days of the transmission. They may be retained for 45 calendar

days after transmission, during which time they may be used only for evaluation purposes. They may not be re-recorded even if they are transmitted again.

Home-use-only and rental store videos

Such videos may be shown in face-to-face instruction in courses given for academic credit in locations devoted to instruction. They must be legitimately made copies, and may not be shown for entertainment, recreation, or reward.

Computer Software

The purchaser of software is allowed to make one copy for archival purposes only. If the original is sold or given away, the archival copy must be destroyed. The College may be able to purchase permission to make copies of software.

Questions regarding this policy

Questions regarding the legality of copying materials for instructional purposes should be addressed to the Director, ATC Library.