



**ADMINISTRATIVE
REGULATION AND
PROCEDURE**

Title: DUPLICATION OF COPYRIGHTED MATERIALS	Code: EE0100
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Policy Reference: B0600, Copyright Privileges in Print and Electronic Media

Reproduction of copyrighted materials is not allowed unless legally permissible.

The federal copyright laws make it illegal to duplicate copyrighted materials without permission, except for certain exempt purposes as outlined in the following two pamphlets available from Instructional Design:

1. "Print Material and the Copyright Law"
2. "Nonprint Media and the Copyright Law"

All personnel (faculty, staff, and students) are hereby informed that unauthorized reproduction and/or use of copyrighted materials is illegal and unethical, and that violations of the copyright laws may result in criminal or civil suits, fines, and/or suspension or dismissal from the MATC system. Copyright violations will result in immediate suspension of access to service area, and a hearing is conducted by Judicial Affairs or Labor Relations to determine academic or employment action to be taken.

1. To protect personnel and MATC against legal redress for alleged violations of the copyright laws, the person requesting the reproduction or doing their own duplication must be certain that the action is within the law.
2. When an individual is not certain, s/he should review above pamphlets or contact Instructional Design in order to ascertain whether copying falls under the "fair use" doctrine. Students must observe copyright regulations posted in service areas accessible to students.
3. If the material does not fall under the "fair use" doctrine, a letter of request for permission to reproduce copyrighted materials must be sent to the copyright owner by the instructor as outlined in the above pamphlets.
4. Credit to the organization granting permission must be given within the documents being reproduced. The letter granting permission must be on file in the instructional department office making the request.
5. The duplication/production center will not reproduce materials, which are copyrighted unless under "fair use" or written permission by copyright owner has been granted and submitted with the request. The Instructional Design Office will clarify questionable requests.
6. Copyrighted Audiovisual and computer software placed on reserve in the Library must have a written faculty statement of compliance to "fair use" or provide written permission of the copyright owner. Copyrighted software loaned or consigned to faculty, staff, or students for use outside of computer



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resource centers requires a signed statement agreeing to abide by copyright laws.

7. Instructional Design will seek permission to reproduce materials from copyright owners under Professional Support Services identified in Section II of Administration Regulation and Procedure EE0101, Instructional Materials Production.
8. Faculty and staff requiring further clarification may reference the procedure attachment, "Copyright Privileges in Print and Electronic Media."

COPYRIGHT PRIVILEGES IN PRINT AND ELECTRONIC MEDIA

GENERAL (Print Media)

Under the law, the owner of a copyright has the right to prevent all others from copying or selling his or her copyrighted work. Accordingly, photocopying copyrighted works without obtaining permission may violate the rights of the author, and is directly contrary to the academic mission to teach respect for ideas and the intellectual property that expresses those ideas. Infringement can result in an award of monetary damages against the infringing party.

A. Obligations of Faculty and Staff

It is the obligation of all employees utilizing copyrighted materials to determine whether the use of that copyrighted material would violate any copyright held by the author(s), or whether it falls within the "fair use" exception to the copyright law.

B. MATC Assistance

MATC's Manager of the Bookstore can assist employees in determining the need for copyright permission and, where necessary, obtain permission and ensure the reproduction and timely delivery of coursepacks, seminar, and conference materials. Employees wishing to utilize these services should allow an adequate amount of time for securing proper copyright permission.

Costs will be assessed to process copyright permission requests, as well as the costs identified by copyright owners as royalties, where applicable. These costs will be included as a part of any reproduction costs. Where reproduction is done by a third party, the bookstore shall charge permission costs separately.

C. Legal Standards

Although the Manager of the MATC Bookstore is available to answer questions regarding copyright clearance, the information set forth below outlines the legal standards used to determine whether permissions should be sought. Questions regarding these standards should be addressed to the MATC Office of General Counsel.



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D. Fair Use

The doctrine of "fair use" allows for photocopying of copyright works without the copyright owner's permission in very limited situations. There is no precise formula for determining whether a use is "fair use." Instead, the doctrine establishes four basic factors to be examined:

1. The purpose and character of the 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 of the work used in relation to the work as a whole; and
4. The effect of the use in question upon the potential market for or value of the copyrighted work.

No one factor is determinative under the law. The application of these factors by employees who wish to make multiple copies for educational/classroom use must be determined on a case-by-case basis.

In most instances, the four factors alone fail to provide employees with a precise determination. The fourth factor, however, tends to weigh against a finding of "fair use," as multiple copies generally deprive the copyright owner of a sale.

Permitted Copying

In order to use multiple copies without seeking permission, the use must be brief **and** spontaneous.

Brevity is summarized as follows:

- Poetry -- (a) a complete poem, if it is less than 250 words and if it is printed on not more than two pages, or (b) from a longer poem, an excerpt of not more than 250 words.
- Prose -- (a) either a complete article, story, or essay is allowed if it is less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.
- Illustrations -- one chart, diagram, drawing graph, cartoon, or picture per book or per periodical issue.
- Special works -- works that combine text with illustrations such as children's books or poetry. No more than 10 percent of the words in the text may be used without permission.

Spontaneity is defined as follows:

If the work is used only once and "the inspiration and decision to use the work and



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the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission" (i.e., a significant article in the morning newspaper).

If the use of a work does not comply with these standards of brevity and spontaneity, permission from the copyright holder is required.

LIABILITY FOR INFRINGEMENT

The financial responsibility for copyright infringement shall be that of the individual employee except in those instances where the employee utilizes the services of the MATC Bookstore to obtain permissions.

Restrictions

These are some basic restrictions regarding the production of multiple copies for classroom or seminar use.

Copying shall not:

- Be repeated with respect to the same item, by the same instructor, from term to term.
- Be used to create or replace anthologies, compilations, or collective works.
- Substitute for the purchase of books, publishers' reprints, or periodicals.
- Be directed by a higher authority (i.e., copying must be at the inspiration and direction of the individual instructor).
- Be of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized test booklets, and answer sheets.

ELECTRONIC MEDIA

Most software available for use on computers at MATC is protected by federal copyright laws. Educational institutions are not exempt from laws covering copyrights. In addition, software is normally protected by a license agreement between the purchaser and the software seller. The software provided through MATC for use by faculty, staff, and students may be used only on computing equipment as specified in the various software licenses.

It is the policy of MATC to respect the copyright protections given to software owners by federal law. It is against MATC policy for faculty, staff, or students to copy or reproduce any licensed software on college computing equipment, except as expressly permitted by the software license. Also, faculty, staff, and students may not use unauthorized copies of software on MATC-owned computers or on personal computers housed in college facilities.

Unauthorized use of software is regarded as a serious matter and any such use is without the consent of MATC and subject to disciplinary action.



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Copyright laws apply to software, and members of the MATC community and those using its computing resources are expected to abide by them. In short, MATC prohibits the unauthorized use, possession, copying, "loading," or "mounting" of software. Authorization is generally in the form of a license purchased by individuals or by MATC or one of its divisions. Violation of the license agreement constitutes unauthorized use and is prohibited.

Computer users who redistribute software from the college's computers break MATC's agreement with its software suppliers, as well as applicable federal copyright, patent, and trade secret laws. Therefore, the redistribution of any software is strictly prohibited except in the case of software which is clearly marked as being in the public domain. Violations include copying, transmitting, or disclosing data, software, or documentation without proper authorization or attempting to do so.

Office of Responsibility: Office of General Counsel
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