

# Housatonic Community College

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## COPYRIGHT POLICY

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**Copyright** refers to exclusive legal rights authors or owners have over their works for a specific period. These rights include copying whole or parts of works, creating derivative works, and distributing or performing the works.

**Fair Use** refers to those provisions of the copyright law that allow for limited use or distribution of published works without the author/owner's permission in an educational setting. For educational purposes, fair use allows an instructor to copy or distribute published works, based on compliance in consideration of the following four criteria.

1. The purpose and nature of the use – *How will the material be used and by whom?*
2. The nature of the copyrighted work – *What is the format of the work?*
3. The amount and substantiality of the material used – *How much of the work will be used?*
4. The effect of use on the potential market for or value of the work – *Will the intended use cause the copyright holder to lose sales?*

**Public Domain** refers to works created before 1923 or published without a copyright notice from 1923 – 1977. An instructor may reproduce works in the public domain without restriction.

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### FAIR USE Compliance

What an instructor MAY copy and distribute in the classroom

An instructor may use the following amounts of copyright-protected material in the classroom:

1. One chapter of a novel or book or 10%, whichever is less.
2. One short story, article, or essay of less than 2500 words.
3. One poem of 250 words or 250 words of a longer poem.
4. One article from an issue of a periodical or newspaper, one issue per title per year may be used.
5. One chart, graph, diagram, cartoon or picture from a book or periodical issue.
6. One short excerpt (up to 10%) from a performable unit of music, such as a song, movement, or section.

Instructors may photocopy copyright-protected materials to hand out in class, but there are restrictions. Classroom copying may not be used to replace texts or workbooks used in the classroom. Students may not be charged more than the actual cost of photocopying. The number of copies may not exceed one copy per student. A notice of copyright must be affixed to each copy.

Instructors may display a copy of a work in a classroom on a projector or similar equipment.

Instructors may make a single recording of student performances for evaluation, rehearsal, or archival purposes.

## What an instructor MAY NOT copy and distribute in the classroom

An instructor may not:

1. Copy to create anthologies, compilations or collective works or to substitute for them.
2. Copy from works which are intended to be consumable (workbooks, exercises, standardized tests, test booklets, and answer sheets).
3. Copy so as to substitute for the purchase of books, publishers' reprints, periodicals, music or recordings.
4. Copy or re-use an item from term to term without securing permission.
5. Copy on direction of higher authority (supervisor, coordinating instructor, department head).
6. Utilize more than nine instances of multiple copying per course, per term.

## **COURSE RESERVES Compliance**

Copyright-protected materials may be placed on Reserve in the library. The Fair Use criteria outlined above also applies to the nature and amount of materials that may be placed on Reserve. It is the responsibility of the instructor to comply with "Fair Use" provisions or with obtaining copyright permission, if necessary.

The following materials if owned by the library or the instructor may be placed on Reserve.

1. Entire books
2. Entire audio and/or visual materials
3. Periodical issues

Limited amounts of materials not owned by the library or the instructor may be placed on Reserve for one semester. The amount of material which may be placed on Reserve follows the same guidelines as described above at "What an instructor MAY copy and distribute in the classroom."

## **AUDIOVISUAL RECORDINGS Compliance**

### Classroom Use

Audiovisual recordings owned by the College or an individual or rented from another establishment may be shown in a classroom only if:

1. The material is shown as part of an instructional program (not for entertainment or recreational purposes).
2. The material is shown only by instructors, guest lecturers, or students.
3. The material is shown only to students or educators.
4. The relationship between the recording and the course is explicit.
5. A legitimate copy with the copyright notice included is shown.
6. The material is shown in a classroom or other school location devoted to instruction.

If these conditions are met, audiovisual recordings noted as "Home Use Only" may be shown in the classroom for educational purposes.

## Outside the Classroom Use

Audiovisual recordings owned by the College may be viewed for educational or entertainment purposes by small groups of a few students, faculty or staff at workstations or in small group rooms on campus. Audiovisual recordings may also be viewed at home or in a private setting if not more than a few individuals are present.

Larger audiences, such as groups that might assemble in a hall, cafeteria or similar setting, must have explicit permission from the copyright owner for "public performance" rights. This applies to both educational and entertainment performances. No fees for viewing an audiovisual recording are permitted even when public performance rights are obtained.

## Off-Air Video Taping

Instructors may request and Media Services may record commercial programs. Programs may then be shown to a class or classes within a 10-day period following the recording. The program may be shown once more to the same students for review purposes.

Programs recorded off-air may be kept up to 45 days from the recording, but after the first 10 days they may only be reviewed by the instructor except for review purposes as noted above.

## **INTERNET Compliance**

Materials on the Internet may also be copyrighted. Instructors should follow the guidelines above relating to limited amounts of works when incorporating materials copied from the Internet in their classroom instruction.

## **STUDENT Compliance**

Students may not make additional copies of any copyright-protected materials given to them in the classroom.

Students may make one copy of materials placed on Reserve for them in a library or tutoring center. The copy may only be for personal use, and additional copies may not be made for distribution to others.

Students may print one copy of articles found in an online database for their personal use.

Students may print one copy of information found in an Internet site for their personal use.

## ONLINE LEARNING Compliance

Portions of materials protected under U.S. Copyright Law may be used in online learning classes if the *Fair Use Guidelines for Educational Multimedia* is followed. (This document was written at the 1997 Fair Use Conference by a presidential-appointed “Working Group on Intellectual Property Rights in the Electronic Environment.”) These guidelines are not law but have become commonly accepted standards followed by educational institutions and the courts. The *Guidelines* cover educational material that is created by faculty as part of curriculum-based instructions and by students as part of an assignment.

Limitations are based upon time, portion, distribution, and copying and are similar to the Fair Use Guidelines for classroom use.

Copyright-protected materials may be used for one semester without first obtaining permission, provided the allowable portions are followed as noted below. If copyright-protected material is used again by the same instructor for the same course, regardless of the number of semesters between offerings of the course, permission for use must be obtained from the rights holder.

When copyright-protected material is used by more than one instructor per semester, permission for use must be obtained from the rights holder for the first and subsequent semesters.

Portion limitations vary depending upon the type of media, as indicated below.

Media	Allowable Portion under Fair Use
Fiction or Non-fiction book	One chapter or 10%, whichever is less
Short story	Up to 1000 words or 10%, whichever is less
Poem	Up to 250 words or 10%, up to 3 from one poet
Article	One article from an issue of a periodical
Chart	One from a book or issue of a periodical
Music, lyrics, or music video	Up to 10% but not more than 30 seconds
Cartoon, diagram, graph, illustration, or photograph	Up to 15 works or 10% from a publication, and up to 5 images from one artist
Numerical data set	Up to 10% or 2500 fields

Video and DVD recordings may be used in online learning courses. The entire work may be made available only if the work is assigned for a specific class session and is delivered in streaming format. A lawfully-obtained copy must be owned by the college or the instructor. If the same video or DVD is used in subsequent semesters, the college should make a good faith effort to purchase a performance-rights copy. Excerpts, not entire works, should be used when possible.

All copyright-protected material used must include the complete source citation and the rights holder. This information should appear on the same page as the material itself.

Distribution of copyright-protected materials must be limited to students enrolled in the course. There must be technological limitations on access to the network and to the individual class, such as a username and password.

Articles found in electronic databases purchased by the college library may be provided via a direct link imbedded into an online course website. Library personnel are able to assist with locating the direct/persistent link.

Material on the Internet is protected under copyright law. Copying or reproducing it without permission may be illegal. A hyperlink to an Internet/Web page may be imbedded into an online course website. Permission is not required to link to an Internet/Web page, though it is considered courteous to request it.

Persistent links to articles found in library-provided databases and hyperlinks to Internet/Web pages may be imbedded without violating copyright because a copy of the original work has not been made.

Every effort should be made to provide direct access to a work rather than making and distributing copies. In the absence of technology that limits or prevents students from copying, students should be instructed not to make copies except one for their personal use.

## **OBTAINING COPYRIGHT PERMISSION**

### **Print**

Permission to use a published work may be obtained by going to the Copyright Clearance Center at: <http://www.copyright.com>. Permission for most items is granted immediately, and the cost averages \$.10 to \$.15 per page. A statement that copyright permission was received on a specific date should appear at the bottom of the first page of the material.

### **Permission Letter**

If permission cannot be obtained through the Copyright Clearance Center or the instructor prefers not to use the Center, a request may be sent directly to the publisher. See sample letter in Appendix A.

### **Audiovisual**

Permission to show a single “public performance” of an audiovisual recording owned by an individual or a college may be obtained from the studio or independent producer that distributed the recording. The studio or independent producer name and contact information are available on the audiovisual box or the opening credits of the film. If the college wishes to rent audiovisual recordings for a “public performance,” Swank Motion Pictures, Inc. at [www.swank.com](http://www.swank.com) will supply the audiovisual recording along with copyright permission.

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If you have a copyright question not answered by the information above, please contact the Library Director for assistance.

*Information from Stanford University Libraries and Blackboard’s “Copyright, Fair Use, and Educational Multimedia FAQ” was referred to in creating this document.*

**Appendix A**  
**Sample Permission Letter**

Date

Copyright Permissions Department  
ABC Publishing Company  
Any Place, CT 06000

Dear Director,

I would like permission to duplicate the following material(s) for classroom use for the next three semesters beginning August 2007:

Author:	Peter Ulisse
Title:	Memory is an illusive state
Copyright:	1995
Materials to be duplicated:	Pages 10 – 14
Number of copies:	35
Form of distribution:	Supplied to students at no charge
Type of reprint:	Photocopy

The pages above will be used as a supplemental reading for the class “Creative Writing”.

Enclosed is a self-addressed, stamped envelope for your response:

Thank you.

HCC Instructor  
Housatonic Community College  
900 Lafayette Boulevard  
Bridgeport, CT 06604