

COPYRIGHT

Policy Number: 234

Categorized: [Academic](#)

Responsible Office: Chief Academic Officer

Subject: Use of copyrighted materials

Related Policies: [Open Educational Resources](#), [Textbooks](#),

Procedures: N/A

Additional Information: VCCS Intellectual Property Policy, [NOVA Library Copyright Information](#)

Effective Date: 12/15/2020

Last Reviewed Date: 12/15/2020

1. Scope

This policy applies to the use of copyrighted works (in all formats, including digital) for teaching, research, administrative, and other purposes by all academic and administrative units, faculty, staff, administrators, and students on all campuses and at other locations of Northern Virginia Community College.

2. Policy

All students, faculty and staff of Northern Virginia Community College are expected to comply with federal copyright law and to refrain from actions that constitute an infringement of copyright or other proprietary rights.

The College provides resources to assist members of the community in complying with federal copyright law and to enable them to distinguish between permitted and prohibited uses of copyrighted materials. Members of the College community are expected to familiarize themselves with these guidelines and to comply conscientiously with their requirements. Members of the College community also are expected to familiarize themselves and comply with VCCS Policy Number 12.0, Intellectual Property Policy and Procedures.

Faculty members, staff and other employees who willfully disregard the copyright law place themselves individually at risk of legal action. In such cases, the College may refuse to defend the employee named in the lawsuit and in these lawsuits personal liability may be incurred by the employee.

3. Definitions

All definitions used in this Policy are set forth in VCCS Policy 12 available here and at [BoardDocs® Policy: Section 12.0](#), and fully incorporated herein.

Copyright: Refers to the set of exclusive rights granted to the creator of an original “work of authorship” in any form by the federal [Copyright Act \(17 U.S.C. §§101 et seq.\)](#). These rights include reproduction, distribution, performance, display, and creation of derivative works. These rights are not unlimited; exemptions and limitations pursuant to the statute provide for uses of copyrighted works in specific circumstances. A copyright assigns to the owner of copyrightable intellectual property the following five exclusive rights:

- a. to reproduce the work;
- b. to prepare derivative works or adaptations;
- c. to distribute the work by sale, rent, license, lease, or lending;
- d. to perform the work, and;
- e. to display the work.

When the VCCS claims a license to use a copyrightable intellectual property, the license shall include all of the above rights except as otherwise provided by separate written agreement or waiver that is executed by a duly authorized officer of a college or the VCCS.

Copyrighted works: Includes literary works, musical works, dramatic works, pantomimes and choreographic works, graphical works, motion pictures, sound recordings, architectural works, computer software, and other any medium of expression now known or later developed. Given the very broad definition and the fact that copyright attaches as soon as the work is fixed, users should assume that nearly all works are protected by copyright. (Notable exception: Public domain materials may not be copyrighted; e.g., government publications.) Copyrightable Material is any original work of authorship that is fixed in print, digital file, magnetic tape, or other tangible medium of expression coming within the definition of the U.S. Library of Congress Copyright Office.

Infringement of Copyright: The unauthorized use of copyrighted works in violation of the exclusive rights granted to the author of an original work.

4. Procedures

Copyright Warning Notices

Administrators responsible for computer laboratories or for copying machines available to the public must post copyright warning notices on or near photocopiers, printers, computers, and scanners. The notice should state, “Notice: The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.”

Violations

The individual will be required to take down or cease the infringing use of the copyrighted material. The individual may be required to participate in training on copyright and/or subject to disciplinary action as specified in the [Student Code of Conduct](#), [Virginia Department of Human Resource Management Policy 1.60 \(Standards of Conduct\)](#) or VCCS Policy 3.12 (Faculty Sanctions), as appropriate.

5. Authority

[Copyright Act \(17 U.S.C. §§101 et seq.\)](#)

VCCS Intellectual Property Policy