

## *Policy Statement*

Terra State Community College (TSCC) recognizes and respects intellectual property rights. As part of its goal to maintain the highest standards for ethical conduct, TSCC is committed to fulfilling its moral and legal obligations with respect to the use of copyright-protected works as enacted in the Copyright Act found in Title 17 of the U.S. Code.

## *Policy Details*

As a matter of both moral integrity and of adherence to U.S. Copyright Law, TSCC sets forth these policies for all members of the TSCC community to demonstrate respect for intellectual property and compliance with the law.

1. No member of the TSCC community may reproduce any copyrighted work in print, video, or electronic format in violation of the law.
  - a. The easiest way to ensure no violation is by receiving express written permission of the copyright holder.
    - i. Works are protected by copyright laws in the U.S., even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol (©).
    - ii. Copyright works include, but are not limited to:
      - (1) Printed articles from publications
      - (2) TV and radio programs
      - (3) Databases
      - (4) World Wide Web pages
  - b. The laws that apply to printed materials, are also applicable to visual and electronic media including, but not limited to:
    - i. Diskettes
    - ii. CD-ROMs
    - iii. World Wide Web pages
2. The Fair Use Criteria and related guidelines (Section 107: Fair Use of the Federal Copyright Law) permit certain uses of copyrighted works for education or scholarly research and state that "Notwithstanding the provisions of, the Fair Use of a copyright work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching, scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a Fair Use, the factors to be considered shall include-
  - a. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
  - b. The nature of the copyrighted work;
  - c. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
  - d. The effect of the use upon the potential market for or value of the copyrighted work. The fact that a work is unpublished shall not itself bar a finding of Fair Use if such finding is made upon consideration of all the above factors."
3. TSCC designates the college librarian as the copyright advisor to provide guidance to the TSCC's copyright policy.
  - a. The TSCC librarian may assist in handling any special copyright issues.
  - b. Questions concerning copyright procedures, including Fair Use, may be addressed to the TSCC librarian.
    - i. Email the TSCC librarian at [library@terra.edu](mailto:library@terra.edu).
    - ii. Call the TSCC librarian at 419-559-2318.

- iii. Visit the TSCC librarian in Building B, Room 301.
- iv. Refer to the information distributed by the TSCC librarian and required training provided by the TSCC Human Resources Department.
4. Liability for any infringement of this policy rests with the person making the copy or requesting the copy
5. TSCC will make this policy, as well as a variety of websites that deal with copyright issues available.

### *Procedures*

1. TSCC employs a network infrastructure that
  - a. Actively monitors Internet traffic
  - b. Blocks all identified peer-to-peer activity, especially produced and sold commercially and protected by law through copyright and cannot be freely shared, including, but not limited to:
    - (1) Music
    - (2) Video
2. Individuals using the campus network are expected to be familiar and comply with the TSCC Acceptable Use Policy.
3. To obtain permission to reproduce copyrighted works, members of the TSCC community should contact the Rights and Licensing Department of the copyright holder or request permissions online through the Copyright Clearance Center.
4. Individuals seeking advice on specific procedures should contact the TSCC librarian. While any guidance provided may help clarify the copyright policy, it is no substitute for actual legal advice.
  - i. Email the TSCC librarian at [library@terra.edu](mailto:library@terra.edu)
  - ii. Call the TSCC librarian at 419-559-2318
  - iii. Visit the TSCC librarian in Building B, Room 301
5. Federal and/or Institutional Penalties for Infringement
  - a. Civil Copyright Penalty and Infringement Penalties may include
    - i. actual damages
    - ii. statutory damages affixed at not less than \$750 and not more than \$30,000 per work infringed.
    - iii. for willful infringement, a court may award up to \$150,000 per work infringed and can also assess costs and attorneys' fees
  - b. Criminal penalties for willful copyright infringement, including imprisonment of up to five years with fines of up to \$250,000 per offense.
  - c. For additional information, see the web site of the [U.S. Copyright Office](#) or its [FAQs](#)
  - d. Members of the TSCC community charged with copyright infringement may be subject to disciplinary proceedings.

### *Resources*

1. Guidance
  - a. [What is Copyright?](#)
  - b. [Copyright Act found in Title 17 of the U.S. Code](#)
  - c. [Section 107: Fair Use of the Federal Copyright Law](#)
  - d. [Section 106 of the Copyright Act \(Title 17 of the United States Code\)](#)
  - e. [Title 17, United States Code, Sections 504, 505](#)
  - f. [United States Copyright Office](#)
  - g. [United States Copyright Office FAQs](#)
  - h. TSCC Acceptable Use Policy
  - k. [Copyright Clearance Center](#)
  - l. [Civil Copyright Infringement Penalties](#)
  - m. [Peer-to-peer file sharing](#)
  - n. [What Are Statutory Damages | Copyright Alliance](#)

Definitions

<i>Term</i>	<b>Definition</b>
<i>Copyright</i>	<a href="#">Copyright</a> is a type of intellectual property that protects <b>original works of authorship</b> as soon as an author <b>fixes</b> the work in a <b>tangible form of expression</b> . In copyright law, there are a lot of different types of works, including paintings, photographs, illustrations, musical compositions, sound recordings, computer programs, books, poems, blog posts, movies, architectural works, plays, and so much more!
<i>Copyright Infringement</i>	The act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under <a href="#">Section 106 of the Copyright Act (Title 17 of the United States Code)</a> . These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.
<i>Members of the TSCC Community</i>	All employees and students
<i>Peer-to-peer file sharing</i>	A type of network where computers communicate directly with each other rather than through a central server. Often referred to simply as <a href="#">peer-to-peer, or abbreviated P2P</a> with this type of network each workstation has equivalent capabilities and responsibilities in contrast to client/server architectures in which some computers are dedicated to serving the other computers. A "network" is a group of two or more computer systems linked together by various methods. In recent usage, peer-to-peer has come to describe applications in which users can use the Internet to exchange files with each other directly or through a mediating server.
<i>Statutory Damages</i>	Statutory damages are damages that can be awarded by a judge or jury to a copyright owner in a copyright infringement suit. They are called "statutory damages" because the range of damages is established by the statute, specifically section 504 of the Copyright Act.

Approval History

<i>Date</i>	<i>Policy/Procedure or Entire Document</i>	<i>Notes (Types of Actions)</i>	<i>**Approved by</i>
8/26/2004	Policy	Issued	Unknown
11/28/2023	Entire Document	Transferred to new policy template and revised the policy	Bill Taylor, VPAA
1/26/2024	Entire Document	Approved by CASA	Bill Taylor, CASA Co-Chair

\*\*Full name of CASA Committee Chair, signatory, or designee

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