

OLYMPIC COLLEGE POLICY

TITLE: Copyright Policy

POLICY NUMBER: 200-25

REFERENCE: U.S. Code, Section 101 et. seq., Copyright Act of 1976, TEACH Act, Digital Millennium Copyright Act of 1998

I. Purpose

To provide clarity regarding the College's commitment to the lawful use of copyrighted materials.

II. Policy

As a college devoted to providing the highest quality of teaching and learning, Olympic College (OC) respects the rights of content creators and facilitates compliance with the provisions of the United States Copyright Law (Title 17, United States Code, Sect. 101 *et seq.*) OC recognizes the Copyright Act of 1976, including the Fair Use doctrine (Section 107) and subsequent amendments including the TEACH Act, the Digital Millennium Copyright Act of 1998, and *Guidelines for Off-Air Recording of Broadcast Programming for Education Purposes*.*

Specifically, Olympic College:

- A.** Informs and educates students, faculty and staff about their rights and privileges in using copyright-restricted material, including the limited exclusive rights of copyright holders;
- B.** Provides resources and tools for members of the OC community to facilitate the adoption of copyright materials into all classes;
- C.** Facilitates the use of materials currently licensed by OC;
- D.** Identifies individuals at the College who can advise faculty and staff regarding application of copyright law;
- E.** Refers complex issues to legal counsel;
- F.** Imposes sanctions consistent with college policies and collective bargaining agreements on any student or employee

* Published in the October 14, 1981 Congressional Record, pp. E4750-E4752, U.S. House of Representatives Sub-Committee on Courts, Civil Liberties and Administration of Justice.

OLYMPIC COLLEGE POLICY

where there is a finding of willful infringement of the copyright policy.

III. Use of Copyrighted Material

Use of copyrighted material is allowable in each of the following instances:

A. Fair Use

Copyrighted materials may be copied or otherwise used without the copyright owner's permission where such use meets the four-part test for fair use. This test considers (1) the purpose and character of the use; (2) the nature of the copyrighted work; (3) the amount, substantiality, and portion used; and (4) the effect of the use on the potential market. The test is fact-specific. If you have questions, please consult a librarian.

B. The TEACH Act Circumstances (distance education)

All portions of a non-dramatic work may be transmitted as long as the display is an integral part of the class and teaching content, the transmission is solely for students, the performance is live or asynchronous, and technological measures are implemented that prevent retention of the work in accessible form and prevent further dissemination of the work.

C. Face-to-face Teaching in a Classroom or Similar Place

Generally, performance or display of a lawfully made copy of a non-dramatic performance in the classroom or similar place is permissible under 17 U.S.C. § 110.

D. Library Records

The College's library has the authority to make certain copyrighted material available to faculty, staff, and students under 17 U.S.C. § 108. Faculty should, whenever possible, provide a hyperlink to library materials as part of any web-based instructional activity.

E. With Permission of the Owner

In instances where faculty, staff, or students cannot use legally use copyrighted material, they should seek permission of the owner.

OLYMPIC COLLEGE POLICY

IV. Discipline

Any use of computer or duplicating facilities by students, faculty, or staff for infringing use of copyrighted works is subject to appropriate disciplinary action consistent with College policies and collective bargaining agreements, as well as those civil remedies and criminal penalties provided by federal law.

V. Defense of Faculty or Staff

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

VI. Copyright Officer

The College designates the chief administrator of the library or designee as the copyright officer for the College. The copyright officer will exercise general oversight of the copyright function for the College and will assure that information about the law and guidelines are available in appropriate instructional offices and the library. The copyright officer will also serve as the final authority for denials of requests made through the College bookstore, duplicating, or other campus offices that have copiers for student and employee use.

VII. Copyright Authorization Files

Permanent files of all written copyright authorizations, permissions, releases, waivers, responses to requests for permissions and licensing agreements will be held in locations designated by the President or designee.

<i>Recommended by</i>	<i>Mary Garguile, Vice President of Instruction</i>
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<i>Published in Washington Administrative Code</i>	<i>n/a</i>

OLYMPIC COLLEGE PROCEDURE

TITLE: Copyright Digital Millennium Procedure

PROCEDURE NUMBER: 200-25-01

REFERENCE: U.S. Code, Section 101 et. seq., Copyright Act of 1976, TEACH Act, Digital Millennium Copyright Act of 1998

I. Digital Millennium Copyright Act Policy, Notice and Takedown Procedure. Notices of alleged copyright infringement will be referred to the copyright officer. The copyright officer will expeditiously respond to clear notices of alleged copyright infringement that comply with the United States Digital Millennium Copyright Act (DMCA) in compliance with the procedures in [17 U.S.C. § 512](#).

OLYMPIC COLLEGE PROCEDURE

TITLE: Copyright Notice Posting Procedure

PROCEDURE NUMBER: 200-25-02

I. Posting of Notices

The College will post notices reflecting this policy and procedure at computer and photocopying stations that may be used for reproducing copyrighted materials, *e.g.*, departmental copy rooms and libraries, and at or near computer labs. The following is a suggested form of notice:

Copyright Notice

Copying, displaying, and distributing copyrighted works may infringe the owner's copyright. The librarians at Olympic College can help you determine whether your use of a copyrighted work is a fair use or requires permission. Any use of computer or duplicating facilities by students, faculty, or staff for infringing use of copyrighted works is subject to appropriate disciplinary action as well as those civil remedies and criminal penalties provided by federal law.