

COLUMBIA CENTRAL UNIVERSITY

Políticas Institucionales

INSTITUTIONAL COPYRIGHT POLICY

Background

Columbia Central University (CCU) recognizes that in a university environment one of the most susceptible areas is the unconscious abuse and disrespect to intellectual authorship. To this effect, the University has adopted the following policy to protect recognize, and divulge legal protection to copyrights, as established by law.

This policy offers support and the necessary orientation for copyright protection in the academic environment, library services, and administrative areas. We recognize that a person's creation should be an object of judicial protection under the intellectual property laws for the benefit of the author, the University, and the community in general.

Applicability

The Institutional Copyright Law applies to CCU teaching and non-teaching personnel who work part time or full time, administrative personnel, contractors, and students.

Objectives

The Institutional Copyright Policy's main objective is to divulge the scope of the federal law and the legal responsibility among the entire university community.

Legal basis

CCU's Institutional Copyright Policy recognizes pertinent and applicable to copyright protection the statutes that follow: Federal Copyright Law of 1976, as amended (Copyright Act of 1976. 17 U.S.C., 101 and Commonwealth of Puerto Rico Law No. 96 of July 15, 1988, as amended. These laws establish legal protection to authors of original literary, dramatic, musical, and artistic works and other intellectual work in the partial or total reproduction without prior authorization of their creators. It is illegal to violate these rights for personal benefit or for the benefit of third parties, and said violation implies penalties under the law.

Intellectual property and copyright protection

Copyright protection applies from the moment a work is created and transmitted in tangible form. In case of work produced under contract, the employer is considered the owner of the exclusive right to use.

To use partially or totally a work protected by copyright requires authorization or permission by the author for its use (Copyright Clearing House). The following creations are protected by copyright:

- Literary works (poems, essays, novels, and others)
- Musical works including voice accompaniment
- Dramatic works

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- Speeches
- Pantomimes and choreographies
- Photographs
- Graphic arts
- Sculptures
- Movies and other audiovisuals, recordings, computer programs
- Architectural works
- Digital programs (software)

Copyright in the academic environment

Copyrights apply to every literary creation; therefore, every academic institution has the responsibility to inform the faculty and students to ensure compliance with this federal law. In terms of materials used to give the courses (textbooks), CCU does not promote the reproduction of any protected material by faculty, students, employees, and contractors.

Faculty may occasionally use in the classroom images, music, and movies related to the course curriculum.

The reproduction of database content authorized by license is permitted; for example, copies of journal articles may be used in its entire content, and multiple copies for classroom use may also be used.

Fair use

Fair use is a concept that recognizes that certain uses of protected work do not require the author's authorization. It establishes that the use be minimal and should not interfere with the author's exclusive copyright and that the author of the work should be recognized.

Regarding the Columbia library's Reserve and E-reserve, these subscribe to copyright laws (Section 107 of the Copyright Act) and the fair use doctrine that provides the principle behind the reserve collections. Article 107 focuses on four fundamental factors to measure fair and reasonable use, different, and that guide the libraries in general when evaluating if the use is just. The four factors are: the characteristics of the use; the nature of the work that will be used; the amount used in proportion to the totality of the work; and the impact of the work in the market.

Factors to help determine fair use:

- The purpose for the use, including if the use has a commercial use; if there is an economic benefit, it is not considered fair use.
- The purpose is educational if it is used by a non-profit entity.
- The nature of the use.
- The amount of the portion used in relation to the totality of the work.
- The effect of the use in the market of a protected work.

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Examples of fair use:

- Quotes from extracts for illustrative use, comments, or critiques
- Quotes from short passages of a school or technical work for illustrative purposes
- Limited use of poems, essays, and histories. This is limited a maximum of three reproductions of the same author or collective work during the same academic period.
- Newspaper articles that illustrate the topic to be discussed in a class for non-repetitive use
- News
- For parody or small portions
- Summary of an article that includes quotes or short portions

Using materials under fair use should not substitute nor replace compilations, collective works, manuals, or texts.

Use of materials in the Library and Reserve

Section 108 of the Copyright Act establishes that reproduction (photocopying) by libraries and preservation archives do not constitute a violation of law, if it is for providing access to resources for study and research. This is established for educators, librarians, and archivists through the following clarification of the article, "it should not, in some cases, influence over our capacity to use photocopies for reserves."

In the Library, materials of resources related to archives and to replace lost or damaged copies may be reproduced.

In the reserve area, members of the faculty may place personal books that are not available in the collections and articles provided it complies with fair and reasonable use.

Internet materials

Works published on the Internet do not lose their copyright and are subject to intellectual protection; therefore, before using them, we must be certain that we do not violate the protection. There are sites on the Internet that permit reproduction of materials and have permitted uses as stated on their pages (community commons and open source).

Distribution of material protected by copyright

It is prohibited to download and share information from files illegally using computer systems provided by the University. Unauthorized distribution of copyright protected material from person to person is prohibited. Said material includes, but is not limited to, music files, video games, movies, computer software, and photographs.

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Mechanism for detecting plagiarism

The university has acquired the Urkund Platform (online system), for the purpose of identifying plagiarism in the documents generated by the academics and the administrative personnel. This program can be used with the Moodle Platform, among others. The use and functionality of this resource is through an email generated and administered by Urkund. All documents and student assignments must be submitted to the Urkund Platform, where it is analyzed, indicating the percentage of authenticity for the detection and control of plagiarism.

Copyright protection: online courses

In terms of distance education, only extracts or limited portions of dramatic, musical and audiovisual works may be displayed. The law does permit the reproduction or copy of the content of:

- Electronic reserves (electronic or paper course packs) or interlibrary loans (ILL).
- Access and reproduction of electronic books in collections of other institutions.
- Partial or total transfer of commercial documents.
- Textbooks or other digital content supplied under author or editor license, unless there is an institutional license of the content and use provided by the suppliers of the sources.
- Analog printed materials converted to digital format without prior authorization and when there is no digital version of the work.

The provisions of Fair Use and the TEACH Act (2002) indicate that professors may use to teach their online courses the following resources without the author's permission:

- Artistic or literary representations (for example, poems, plays, movies, or musical works). It is important to evaluate that an extract is used and that it cannot be copied. It is recommended that you use streaming and links that may be accessed by the student.

Online course materials will only be available for a determined amount of time and the student may not save nor download it.

Copyright ownership of student, faculty, and employee work

CCU teaching personnel and students have ownership of the work created in the normal progression of academic and study activities, except if the contrary is agreed upon. However, CCU will have ownership when these works are a product of administrative or academic functions specifically commissioned and contracted by the University. CCU establishes that ownership of an author's work does not exempt him/her from the responsibility of explicitly recognizing the University, as it corresponds, for contributions, support, or collaborations that made possible the work's design, development, or dissemination. In the same manner, students are not exempt from their responsibility of pointing out that their works were developed as part of the requirements of courses or academic degrees. In every case, CCU retains the right to claim said recognition.

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Employees and students have the faculty and responsibility to register and protect their works under their ownership.

Authors will retain ownership over works developed during sabbaticals, leaves of absence, substitution of tasks, while on detail, or other similar situations, except when contracted to the contrary. Copyright of thesis and other similar academic requirements is owned by the student, even though they receive academic credit for the work(s), except when contracted to the contrary.

Procedures to resolve disputes related to copyright ownership

In case of a controversy regarding the ownership of works and copyright or regarding any other disposition of this policy said dispute will be submitted for the consideration of the campus Chancellor who may issue a decision with prior consultation for his final and binding decision about the matter in conformity with the dispositions of the applicable laws and regulations.

Violations of the policy

Copyright violation is the act of exercising, without permission or legal authority, one or more of the exclusive ownership rights in Section 106 of the Copyright Law. These rights include the right to reproduce or distribute copyrighted material. In the context of sharing files, downloading or uploading substantial parts of copyrighted material without authority constitutes a violation.

Penalties for copyright violations include civil and criminal penalties. Anyone found guilty of copyright violation may be ordered to pay for actual or statutory damages no less than \$750.00 nor more than \$30,000 per violation. For deliberate violation, a court of law may impose a \$150,000 fine per work violated. The court may also include attorney costs and fees.

Deliberate violations may also result in criminal charges that include up to five (5) years in prison or fines up to \$250,000 per offense.

Violations of the policy/disciplinary actions

If there is a complaint that any employee or student has violated the described dispositions there will be an investigation by the installation of the Student or Employee Complaints Hearing Board. If cause is found, the corresponding disciplinary procedures described in the Employee or Faculty Manual (verbal or written warning, termination) and in the Student Regulations (verbal or written warning, expulsion) according to the magnitude of the violation).

Links related to copyright

- A. Federal Copyright Law
<https://www.copyright.gov/espanol/circ01-espanol.pdf>

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- B. Plagiarism: Avoid the Consequences
<http://www.onlinecolleges.net/for-students/avoid-plagiarism/>
- C. Licenses Creative Commons
<http://www.creativecommons.org/>
- D. Legal Sources of Online Content
<https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>
- E. Copyright Guide for Online Courses, E-Reserves, and Course Management Systems
<https://library.cn.edu/CopyrightTips.pdf>

Policy validity: The policy will be evaluated annually to comply with any change in law or state and/or federal agency requirements.

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Approve by:



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