

# CAROLINAS COLLEGE OF HEALTH SCIENCES POLICY AND PROCEDURE

## Section I - Administrative

**SUBJECT:** INTELLECTUAL PROPERTY

**REVIEWERS:** Provost\*  
Teaching and Learning Committee Chair (TLC)

**RELATED POLICY(S) TO CONSULT:**

CCHS Policy: [Software Ownership and Licensing Laws \(Sec. I\)](#)  
CHS Policies: [ADM 240.07 Ownership and Commercialization of Intellectual Property](#)  
[IS.PHI 600.01 Communications Environment Acceptable Use Policy](#)

**I. POLICY:**

A. Intellectual Property Creation and Ownership

Creation of intellectual property is important to the educational community and Carolinas College of Health Sciences (the "College") maintains the highest standards for communication of institutional policy and procedure regarding ownership, compensation, copyrights, and use of the revenue derived from intellectual property. Additionally, the College seeks to model the best current practices in delineating the legal rights to products of the mind and the intended or unintended access to and use of intellectual property. For all situations related to the creation, ownership, governance, and dissemination of intellectual property, the College has chosen to default to the Carolinas HealthCare System's equivalent policy: Ownership and Commercialization of Intellectual Property (ADM 240.07). This policy will apply to all CCHS team members and students. The policy is available through the Carolinas Healthcare System's policy manual accessible to all team members and for students through the student services office and the system's intranet, PeopleConnect.

B. Use of Intellectual Property Created by Others

The following sections of this policy address access to and use of intellectual property created by others. The College can best serve the public interest by creating an intellectual environment whereby college team members and students have reasonable access to, and use of, the intellectual property created by others. College team members recognize and respect the intellectual property rights of others and are committed to fulfilling their moral and legal obligations with respect to the use of copyright-protected works.

1. Scope, Coverage and Administration

This policy applies to all team members and students of the college. Compliance with the terms of this policy is a condition of employment for team members, and of student enrollment. Responsibility for administration of this policy resides with the college provost in consultation with CHS General Counsel. The provost may seek recommendations from appropriate college committees, other administrative team members, or non-college team members in implementing the provisions of this policy. The policy will be communicated to college team members through the Policy and Procedures Manual and the online college information portal. It will be communicated to enrolled students through the Student Handbook and College Catalog and the online college information portal.

2. Overview of Copyright Law

The federal Copyright Act of 1976 provides protection to "original works of authorship." Copyrighted works include materials such as textbooks, printed articles from publications, television and radio programs, videotapes, Internet websites, music performances, photographs, training materials, conference presentation materials, manuals and software programs. In general, the laws that apply to printed materials are also applicable to visual and electronic media. Copyright law generally gives authors, artists, composers and other

such creators the exclusive right to copy, distribute, modify, and display their works or to authorize other people to do so.

Original works are protected by copyright law from the very moment that they are created regardless of whether they are registered with the copyright office and regardless of whether they are marked with a copyright notice. While copyright law does not generally protect generic information such as ideas, data, or facts, college team members and students are encouraged to seek guidance for these areas as well, particularly if any trade secret, data misappropriation, rights of publicity or privacy, patent, or trademark rights or defamation (libel and slander) concerns exist.

It is illegal to violate the rights of copyright holders or to direct others to do so. Liability for copyright infringement can include damages up to \$150,000 for each unauthorized use, as well as criminal penalties.

### 3. Permissible Photocopying

Only the owner of a copyright has the right to reproduce or to authorize others to reproduce the original work. This right is subject to certain limitations found in sections 107 through 118 of the United States Copyright Law ([Title 17, U. S. Code](#)). One of the more important limitations of this law is the Doctrine of Fair Use. The Doctrine of Fair Use has been developed through a substantial number of court decisions over the years and has been codified in section 107 of the copyright law.

#### a. Doctrine of Fair Use

Four factors must be weighed and considered to determine whether a proposed use of copyrighted material is within the spirit of fair use, including:

1. The purpose and character of the use, including whether such use is of a commercial nature or if it is for a nonprofit educational purpose;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion of the work used in relation to the copyrighted work as a whole; and,
4. The effect of the use upon the potential market for or value of the copyrighted work.

#### b. Guidelines for Classroom Reproduction of Copyrighted Materials

In addition to the fair use considerations outlined above, college team members must consider the minimum standards for fair use for the classroom or education setting that are outlined in the Guidelines for Classroom Copying in Not-for-Profit Educational Institutions (Appendix A). These guidelines aid in determining appropriate use of copyrighted material in the classroom or other educational setting. Because of the uncertain and complicated nature of intellectual property laws, college team members and students must use caution and discretion in copying and should seek advice from the provost in consultation with CHS General Counsel when uncertain about a particular circumstance or to request prior written permission directly from the copyright owner.

When faculty submit printing requests for course packets, they are to include a signed Course Packet Request Form (Appendix B), attesting that the reproduction of materials is consistent with U.S. Copyright Law. Program administrators and/or the TLC chair also review course packet contents to ensure compliance with copyright law.

### 4. Compliance with Rules and Procedures

Compliance with federal copyright law is expected of all enrolled students and team members at the college. Except as allowed by law, it is a violation of this policy and law for college team members, or students to reproduce, distribute, display, publicly perform, digitally transmit or prepare derivative works based upon a copyrighted work without documented permission of the copyright owner. The ultimate determination whether a specific use of a

copyrighted work may constitute infringement shall be made by the provost in consultation with CHS General Counsel.

No college team member or student may make, store, transmit, or make available unauthorized copies of copyrighted material using college computers, networks, or storage media. The College reserves the right to monitor its computer systems, networks, and storage media for compliance with this policy at any time without notice and with or without cause. The use of college computing resources is also subject to the college's Community Standards policy, including academic integrity, and all other generally applicable college policies. Those who illegally duplicate copyrighted works may be subject to disciplinary action up to and including termination and expulsion.

Questions regarding copyright law compliance by college team members or by enrolled students should be directed to department deans and directors, supervisors, or faculty members, respectively. The College designates the provost in consultation with CHS General Counsel as the college's copyright compliance officer to administer this copyright policy.

The College encourages all college team members and enrolled students to educate peers on copyright compliance. Observed instances of copyright infringement should be brought to the attention of the individual at fault, as well as to the college's compliance officer.

C. The Intellectual Property policy and procedure will be reviewed bi-annually.

## II. APPROVAL

Name: \_\_\_\_\_ Title: President Date: \_\_\_\_\_

Reference: Copyright Office Circular 92, (2007). Laws of the United States, Copyright, Intellectual Property, United States Code, Title 17, Copyright, Library of Congress, Copyright Office.

## Appendix A

### Fair Use Guidelines for Classroom Copying in Not-For-Profit Educational Institutions

<b>EDUCATIONAL USE CHART<sup>1</sup></b>			
<b>Medium</b>	<b>Use</b>	<b>Authority</b>	<b>Limitations</b>
<b>PRINT</b>			
<p>Poem (less than 250 words) Or excerpt of 250 words from a poem greater than 250 words</p> <p>Articles, stories, or essays less than 2,500 words</p> <p>Excerpt from a longer work (10% of work or 1,000 words, whichever is less, but a minimum of 500 words)</p> <p>One chart, picture, diagram, graph, cartoon or picture per book or per periodical issue</p> <p>Two pages (max) from an illustrated work less than 2,500 words</p> <p>A chapter from a book An article from a periodical Short story, short essay, or short poem</p> <p>Chart, graph, diagram, drawing, cartoon, picture from a book, periodical or newspaper</p>	<p>Teachers may make multiple copies for classroom use.</p> <p>Teachers may make a single copy for teacher use for research or lesson preparation.</p>	<p>United States Copyright Office Circular 21</p>	<p>No more than one copy per student.</p> <p>Usage must be: At the "instance and inspiration of a single teacher" and when the time frame doesn't allow enough time for asking permission.</p> <p>Only for one course in the school. No more than nine instances per class per term</p> <p>Don't do it every term (if time allows, seek permission).</p> <p>Can't be directed by "higher authority." Copying can't be substitute for buying.</p> <p>Copies may be made only from legally acquired originals.</p> <p>No one is permitted to copy any portion of a book sent to the school for review or adoption consideration.</p>
<b>VIDEO</b>			
<p>Videotapes</p> <p>DVD</p> <p>Laser Discs</p> <p>QuickTime Movies</p> <p>CD ROMs</p>	<p>"Portions of lawfully acquired copyrighted works in academic multimedia" may be used. "Portions" is defined as 10% or three minutes (whichever is less) of "motion media"</p> <p>Proper attribution and credit is required for all copyrighted works.</p>	<p>Fair Use Guidelines for Educational Multimedia</p>	<p>The material must be a legal copy, legitimately acquired.</p>
<b>ILLUSTRATIONS AND PHOTOGRAPHS</b>			
<p>Photographs</p> <p>Illustrations Collections</p>	<p>Single works may be used in their entirety but not more than 5 images by an artist or photographer.</p>	<p>Fair Use Guidelines for Educational Multimedia</p>	<p>While older illustrations and artworks may be in the public domain, the collection in</p>

<sup>1</sup> Adapted from "Copyright and Fair Use Guidelines for Teachers" by Hall Davidson, at <http://www.mediafestival.org/copyrightchart.html>, with permission under a general license to reproduce and distribute.

	From a collection, not more than 15 images, or 10%, whichever is less.		which they appear may be copyrighted.
<b>MUSIC</b>			
Digital music files	Up to 10% of a copyrighted musical composition may be reproduced, performed and displayed as part of a multimedia program produced for educational purposes.	Fair Use Guidelines for Educational Multimedia	
<b>COMPUTER SOFTWARE</b>			
Purchased software Licensed software Software lent by a library.	Software may be installed at home and at school.  Software may be installed on multiple machines.  Software may be copied for archival use to replace lost, damaged, stolen, copies.	Section 107 and 108 of Copyright Act and subsequent amendments	Take aggressive action to monitor that copying is not taking place (only for retention).  Only one machine at a time may use the program.  The number of machines being used must never exceed the number of licenses. The number of simultaneous users must not exceed the number of licenses.  A network license may be required for multiple users.
<b>INTERNET</b>			
Internet connections  World Wide Web    Broadcast network and local television stations  (Cable broadcasts are subject to the license terms of the individual cable channel)	Images, text and sound files may be downloaded for use in educational projects (subject to portion restrictions related to print)  Recordings made from broadcast sources  Live "off the air" broadcasts.  Recordings made from broadcasts	Fair Use Guidelines for Educational Multimedia and Digital Millennium Copyright Act   Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes U.S. House Report on Piracy and Counterfeiting Amendments (H.R. 97-495, pp. 8-9)	Files may not be reposted onto the Internet without permission.  Distance learning exemptions under TEACH may apply  Recorded broadcasts may not be kept for more than 45 days after the recording date, and can only be shown within the first 10 days of that 45-day period. After that, the recording may be retained for archival purposes or consideration for purchase for 35 days, after which it must be destroyed
<b>TELEVISION</b>			
			Off-air recordings may be used once by individual teachers in the course of relevant teaching activities, and repeated once only when instructional reinforcement is necessary.

			<p>Off-air recordings may be made only at the request of, and used by, individual teachers, and may not be regularly recorded in anticipation of requests.</p> <p>A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each additional copy is subject to the same time and display provisions governing the original.</p> <p>Off-air recordings may not be altered from their original content (although only portions may be shown).</p> <p>Recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.</p> <p>All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.</p> <p>Educational institutions are expected to establish appropriate control procedures to maintain the integrity of these guidelines.</p> <p>These guidelines apply only to nonprofit education institutions.</p>
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**Appendix B**

**Carolinas College of Health Sciences  
Course Packet Request Form  
(To be attached to course packet submitted for copying.)**

**Course:** \_\_\_\_\_ **Semester:** \_\_\_\_\_ **Year:** \_\_\_\_\_  
**Instructor(s):** \_\_\_\_\_

**By signing below, the faculty member(s) attest(s) to the following statements:**

1. I agree that the materials I submit for reproduction in this course packet are in compliance with US copyright law (refer to [Guidelines and Suggestions for Use of Material in Teaching](#) for copyright information).
2. When required, I have received written permission from the copyright holder to reproduce materials I am submitting in my course packet and have that written permission on file with the CCHS Teaching and Learning Committee Chair.
3. I have provided bibliographical information for all content, images, documents, etc., used in this course packet (e.g., The PowerPoint slides in this course packet contain content from [source reference] OR Reprinted with permission [source reference]).

**Faculty Member Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Faculty Member Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

- No major changes made in course packet from previous semester. Changes in materials are marked in packet (TLC Chair signature not needed)
- New course packet OR major changes made in course packet from previous semester.

The Program Administrator and/or Teaching and Learning Committee Chair have reviewed the contents of the submitted course packet and attest that the materials are in compliance with US copyright law.

**Program Administrator Signature (required):** \_\_\_\_\_ **Date:** \_\_\_\_\_

**TLC Chair Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Course Packet Copying Instructions (to be completed by faculty)**

**Note: The original versions of course packets should be submitted in the same format as requested for photocopying.**

**Number of copies needed (based on approximate course enrollment):** \_\_\_\_\_

**Have you included a cover sheet?**  Yes  No **(please add cover sheet)**  
(Name of class, instructor names, etc.)

**Double-sided photocopying?**  Yes  No  
(originals must be printed double-sided):

**Colored paper?**  Yes  No  
(originals must use colored paper, one color per packet)

**Colored printing?**  Yes  No  
(Originals must have Post-it note indicating pages with colored printing and colored printing must be necessary for instructional purposes)

All packets will be 3 hole punched and shrink wrapped unless otherwise indicated.