

TMC Copyright Sub-committee Report and Recommendations

This report outlines a common set of resources for faculty to use to comply with U.S. copyright law, including the 2002 Technology, Education, and Copyright Harmonization (TEACH) Act. This is not a set of guidelines. Rather, this document should be viewed as outlining a set of resources and processes to help faculty answer questions about fair use and obtain permissions from copyright holders for materials that are not covered by fair use. The resources and procedures are intended to be easy to use, easy to locate, and intuitive.

Create an OCC Copyright Web Page

The Sub-committee recommends creating a single Copyright Web Page that can be linked from Infomart, the College Website, and other sites frequented by faculty, such as the TMC, Distance Education, and Library websites. Information about College policy with a link to the Copyright Web Page should also be included in the *College Catalog* and the *Adjunct Faculty Handbook*. Creating and maintaining the site will be the responsibility of the Technology Management Committee (TMC) and campus Copyright Officers. The site will be reviewed and updated at least once a year. The following components are recommended for inclusion.

- **Fair Use Checklist** There are a number of charts and checklists available from post-secondary schools and professional organizations. These charts and checklists provide a quick overview of fair use and copyright law. Most are organized by type of material with corresponding information about permissible use. The Sub-committee recommends incorporating a checklist or chart into the Copyright Web Page.
- **FAQ** Over the past several years, Academic Technology Group personnel have compiled a list of copyright questions that they have received from faculty. The Sub-committee recommends creating a Frequently Asked Questions (FAQ) section on the Copyright Web Page, using these questions and answers to them as a base. This list could be expanded as faculty members submit additional questions.
- **Resources for More Information** Although faculty should find information to answer the majority of their questions about fair use through the checklist and FAQ, some faculty members may want additional background information. The Sub-committee recommends incorporating a few, carefully selected resources that provide background information on copyright law, fair use, and the TEACH Act into the Copyright Web Page. The page could also include a link to the Libraries web page on copyright and fair use.
- **Copyright Clearance Center (CCC)** Occasionally, faculty may want to use materials in ways that fall outside of fair use. Examples include coursepacks sold

through the OCC bookstores and course handouts that include significant portions of articles or books. The Copyright Clearance Center is currently used by some College departments and provides an easy, inexpensive way to obtain copyright permissions. The CCC charges the publishers rate per page plus a \$3.00 surcharge per publication. The CCC also provides an online tracking system for permissions obtained through their services.

The Sub-committee recommends for the College to set a minimal budget that would enable faculty to use the CCC for copyright permissions. Campus- or department-specific budgets and cost-recovery budgets for coursepacks sold through the OCC bookstores could be distinguished through separate CCC accounts. Training for faculty who are interested in obtaining their own copyright permissions and training for faculty secretaries could be coordinated through the PDTC.

- **PDTC Copyright Workshops** Direct links to PDTC Workshops would enable faculty and staff to easily identify opportunities for learning more about copyright.
- **Copyright Request Forms** Some faculty may prefer to obtain permissions directly through publishers or other copyright holders. The Sub-committee recommends providing a form on the Copyright Web Page to streamline requests. This form would ensure that standard information, such as course name and number, class size, and duration of the request is sent to copyright holders. This would help expedite requests sent by OCC faculty.
- **Permission to Use Student Work** The College has a standard form on Infomart that can be used to obtain permission from students to use their work for publicity, academic, instructional, or teaching purposes. Because many adjunct faculty do not have OCC network IDs and are unable to access Infomart from home, the Sub-committee recommends providing a link to a copy of the form that can be downloaded from the Copyright Web Page.
- **Resource Personnel** Most of the campuses have Copyright Officers, but information on the employees who have been designated is sometimes difficult to locate. The Sub-committee recommends placing contact information for each campus Copyright Officer on the Copyright Web Page. The page should also include contact information for second-line advisors in case Copyright Officers are unavailable.
- **Board of Trustees Policy** The Board of Trustees has an established policy on copyright compliance. This should be available from the Copyright Web Page.
- **Faculty Master Agreement (FMA)** The FMA contains information on content ownership and related copyright information. A link to this content from the

Copyright Web Page would provide a convenient way for faculty to check this section of the contract.

- **Materials Copyrighted by OCC** Currently, the College has a set of *Terms and Conditions of Use* that apply to all materials produced by the College, including web pages. Linking this information from the Copyright Web Page would provide a quick way for faculty to locate the disclaimer if they wish to include it on class materials or other content produced under the auspices of the College.

Establish Copyright Tracking Responsibilities

The Sub-committee recommends the following tracking process for copyright permissions:

- *Copyright Clearance Center*: Online tracking by account is available.
- *Direct permissions obtained by individual faculty*: Faculty members are responsible for maintaining proof of copyright permissions granted.
- *Library reserves*: Faculty members are responsible for obtaining permissions. Library personnel are responsible for maintaining records of permissions for up to five years.

Create a Copyright Disclaimer on Blackboard and Educator

To alert students that content in online courses is subject to copyright regulations, the Sub-committee recommends for a copyright disclaimer to be incorporated into the OCC Distance Learning page (<http://www.oaklandcc.edu/DL/>). The disclaimer would state that course lectures, accompanying materials, and student work posted in the courseware may be subject to U.S. copyright law and that unauthorized use is prohibited. Faculty should also be encouraged to include a disclaimer in their online course syllabi.

Establish OCC Copyright Officers and Advisors

The Sub-committee recommends for each campus president to solicit a qualified volunteer to serve as the campus Copyright Officer. Two-year terms should be renewable. The Vice Chancellor will solicit at least two second-line copyright advisors who will answer questions from the Copyright Officers, provide training opportunities for Copyright Officers, and refer copyright issues to Human Resources if outside legal advice is required.

Provide Opportunities for Learning about Copyright

The Sub-committee recommends for the College to provide opportunities for employees to learn more about copyright:

- A trainer with copyright expertise should provide training for Copyright Officers and second-line advisors.
- Cover “Copyright @ OCC” during new faculty and adjunct faculty orientations.
- The College should sponsor a workshop for faculty that would feature a speaker with copyright expertise. A session featuring OCC-specific information could follow the speaker or be part of a staff development day program.

Meet TEACH Act Requirements

The TEACH Act requires that post-secondary schools have a plan for copyright compliance under the TEACH Act. The Sub-committee recommends for the processes outlined in this report to fulfill the requirement.

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