

# Central Methodist Copyright Policy

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Central Methodist University expects that all the members of its community (including traditional faculty, online faculty, staff, and administrators) will adhere to the United States Copyright Act ([Title 17 United States Code](#)) and the related acts which further define the proper use of copyrighted materials. Faculty, staff and students are expected to exercise a good faith effort to comply U.S. Copyright law and any license or contract terms and provisions. Copyright applies to work in any form, whether print, digital, movies, etc. Some examples would be journal articles, book chapters, websites, movie clips, freely accessible Internet sites, etc.

All members of the University should familiarize themselves with the copyright law and its fair use provisions. Faculty, staff, or students who face litigation over copyright infringement should not assume that the University will defend them or be responsible for judgments. Excellent online materials are available to learn about copyright:

- [Copyright Basics](#). U.S. Copyright Office.
- [Copyright Basics for Faculty](#). Baylor University.
- [Copyright for Online Teachers](#). Association of Research Libraries.
- [The Campus Guide to Copyright Compliance](#). Copyright Clearance Center

In some circumstances, it is allowable for educators to reproduce copyrighted materials without permission:

- if the material is licensed, as are most electronic materials, database content, etc, and the license allows for it
- if the material is used in online education, such as an online course, and the provisions of the TEACH Act are followed
- if the materials fall under the fair use limitations on owners' exclusive rights as contained in the U.S. Copyright Act
- if the materials fall under certain other limitations on owners' exclusive rights as contained in the U.S. Copyright Act
- if the materials are a work of the [U.S. government](#)
- if the materials are otherwise in the [public domain](#)

## Scope of Copyright Protection

The Copyright Act gives the copyright owner the exclusive right to distribute, alter, perform, or display the work. Copyright protects the expression of ideas, not the ideas themselves. Similarly, facts do not receive copyright protection, although the selection and arrangement of facts are copyrightable. Thus, a student does not infringe copyright when he or she copies facts or ideas from a published source, so long as he or she doesn't copy that source's expression.

However, failing to attribute the source of these facts or ideas may be plagiarism, and may violate the University's code of conduct.

## Licensing

Electronic materials, such as software or access to subscription products online, are often governed by a license. The license may be more or less restrictive than the fair use provisions of the copyright law. For example, the Central Methodist University Library has negotiated license agreements with the vendors of the electronic journals it subscribes to that allow the posting of their articles behind a password as provided by MyCMU. In most cases, educational videocassettes and DVD's are purchased with "public performance rights" that allow for showing the works outside the classroom or to other than enrolled students. These materials may be used in a class setting without additional licensing.

## TEACH Act

The Technology, Education, and Copyright Harmonization Act (TEACH Act) creates a framework for the use of copyrighted works in online education. Central Methodist University's policy is to follow the TEACH Act for online courses.

A [checklist](#) developed by North Carolina State University to follow the TEACH Act's provisions should be followed when posting copyrighted materials for an online course.

## Fair Use

Fair use is one of many statutory rights to use copyright-protected works for commentary, parody, news reporting, research and education. Fair use is more of a "legal defense" than an exception to copyright compliance. If someone claims copyright infringement against you and you assert a defense of fair use, then you must be able to prove it. To do so, Section 107 of the Copyright Act of 1976 lists four factors to help determine types of content usage that may be considered fair use. It also includes many other provisions allowing uses of works in the classroom, in libraries, and for many other purposes. Fair use depends on a reasoned and balanced application of the four factors: **the purpose of the use; the nature of the work used; the amount used; and the effect of the use on the market for the original.** No one factor alone dictates whether a particular use is indeed fair use.

## Fair Use Guidelines

The following guidelines are standard practices within institutions of higher education. None of these guidelines are legally binding, however, use of copyrighted materials within these set guidelines may be thought of as safely within the limits of US copyright law. The guidelines have been agreed upon by various interest groups, including publishers, as non-infringing.

1. No more than 49% of a copyrighted work maybe be digitized or made available in an online environment. If an item is separated into chapters, no more than 1 less than half may be used within a single course.
2. No article may be used in its entirety for more than three consecutive semesters by the same instructor without legal purchase of rights from the Copyright Clearance Center.
3. No Digital media, music, film clips, etc. may be made available online UNLESS access is granted only to enrolled students by means of a password, IP authentication, etc.

### **Other Limitations on Owners' Exclusive Rights**

The Copyright Act places several other limitations (See [17 U.S.C. §§108-122](#)) on the exclusive rights of owners. Of particular interest in higher education are these:

- Libraries are specifically given rights to make limited number copies and to provide photocopiers for their users. See [17 U.S.C. § 108](#).
- Instructors or students may perform or display legally acquired copyrighted work in a classroom setting, to enrolled students, as part of a class session. See [17 U.S.C. § 110](#) for more details.
- Under the “first sale doctrine,” the lawful owner of a copy of a work may sell it or lend it without infringing the distribution right. See [17 U.S.C. § 109](#).

For questions, resources, or more information, please contact:

Cynthia Dudenhoffer  
Director of Information Resources  
Central Methodist University  
[cmdudenh@centralmethodist.edu](mailto:cmdudenh@centralmethodist.edu)  
660-248-6292