COPYRIGHT POLICY

Bethune Cookman University expects all students and employees to comply with applicable federal, state, and local laws governing copyrighted materials which grant authors, publishers, and creators control over the copying, distribution, transmission and performance of their original works. Bethune Cookman University recognizes the importance of the Fair Use doctrine (section 107 of the U.S. Code Title 17 on Copyright) and its responsibility to provide information and guidance in support of teaching and learning.

U.S. Copyright Law (Title 17)

The College shall:

- Inform its employees about the application of the four factors governing fair use
- Provide notice to students that materials used in connection with courses (i.e. reserve textbooks) may be subject to copyright protection
- Assist employees in obtaining permission to use copyrighted materials

Four factors of Fair Use:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
- The nature of the copyrighted work
- The amount and sustainability of the portion used in relation to the copyrighted work as a whole
- The effect of the use upon the potential market for or value of the copyrighted work

TEACH Act

The Technology, Education and Copyright Harmonization (TEACH) Act was signed into law in October, 2002.

The TEACH Act amends Sections 110(2) and 112 of the Copyright Act of 1976 to give instructors at accredited nonprofit educational institutions greater flexibility to use third party copyrighted works in online course delivery.

The bill permits the display and performance of virtually all types of works during online instruction without the consent of the copyright owner, provided that:

- The online instruction at an eligible institution is mediated by an instructor
- The transmission of material is intended only for receipt by the students enrolled in the course, regardless of where the students are physically located
- The institution employs measures to prevent “retention of the work in accessible form by recipients of the transmission for longer than the class session”
- The institution employs measures that limit the transmission of the material to students enrolled in the particular course and precludes unauthorized student retention and/or downstream redistribution “to the extent technologically feasible”
- Use of the material is clearly for educational, not entertainment purposes

PROCEDURES
Copying of materials or other uses not specifically allowed by the law, fair use, license agreement, or the permission of the copyright holder is strictly prohibited.

Students or employees of the Bethune Cookman University who willfully disregard the copyright policy are in violation and do so at their own risk and assume all liability.

Every attempt will be made to assist students and employees who need information so that they can remain in good standing with copyright law.

GUIDELINES

Bethune Cookman University students or employees using copy machines or other devices for reproduction of any material are responsible for familiarizing themselves with provisions of the copyright law and fair-use guidelines before copying or reproducing any material. To this end, copies of the law and guidelines will be prominently displayed near copying or other reproduction devices wherever they are permanently installed.

If after a study of the law and/or guidelines there is uncertainty as to whether reproduction or use of materials meets the requirements of the fair-use guidelines, the Dean of the Library should be consulted.

If the reproduction of the copyrighted material does not meet the fair-use guidelines, written authorization must by obtained.

Please contact the Library at askalibrarian@cookman.edu or 386.481.2196 with any questions.