

KELLEY EDUCATION COPYRIGHT POLICY

Office Responsible for this Policy

President

APPLIES TO

All members of the Kelley Education Campuses communities

POLICY OBJECTIVE

To establish guidelines regarding the Fair Use of copyrighted material, use of multimedia and copyrighted works in the classroom, and information regarding the Digital Millennium Copyright Act.

This copyright policy is based upon [United States Copyright Law, Title 17, U.S. Code, 1976](#). The copyright law of the United States governs the making of photocopies or other reproductions of copyrighted material. Our policies are based upon the law, [Fair Use of Guidelines of 1997](#), [TEACH Act of 2002](#), [Digital Millennium Copyright Act](#), & [DMCA exemptions of 2006](#).

WHAT ARE COPYRIGHTS?

A Copyright grants to the author or originator the sole and exclusive privilege of creating multiple copies of literary or artistic production.

WHAT KINDS OF THINGS CAN BE COPYRIGHTS?

- literary works;
- musical works, including words;
- dramatic works, including music;
- pantomimes & choreographic work;
- pictorial, graphic, & sculpture work;
- motion pictures & audiovisual works;
- sound recordings.

WHAT ARE THE PROTECTED RIGHTS OF COPYRIGHTS?

Fair Use: A fair use of a copyrighted work depends upon how it's used. Permission must be granted. Permission can include an exchange; such as, royalties.

- right to copy,
- distribute,
- adapt,
- perform,

- display,

ARE THERE ANY EXCEPTIONS?

Exceptions are Exemptions. Such as, the [fair use](#) exemption.

- Rather than guess, it is best to secure permission under the fair use exemption.

HOW DO YOU DETERMINE FAIR USE?

There are 4 factors to consider:

1. Purpose & use. Is it for non-profit, education, or commercial use?
2. Nature of copyrighted work. Is the use depriving the copyright holder of profit?
3. Amount of work. Is it substantial? If it is not substantial, is it meaningful or significant?
4. Result of use. Does use enrich the user & not the author?

INSTRUCTIONAL USE

Guiding principles.

- Copies are not distributed regularly
- Each copy belongs to the student
- A copyright is found on the 1st page
- There is no charge for the copy (other than cost)
- It is proportional to the program
- The Institution should purchase at least 1 copy for its library

MEDIA USE IN EDUCATION

Exempted are classroom use.

- The use is by instructors or students.
- It is relatable to the program
- The viewers are engaged
- The location is educational
- The media has been lawfully made

DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) OF 1998

- The [Digital Millennium Copyright Act \(DMCA\) of 1998](#) specifically addressed digital media, including DVDs, and introduced new restrictions on copying.
- In November 2006, [exemptions to the DMCA restrictions](#) were approved.
- Provides internet service providers (ISP's) to shield themselves from liability for the actions of their users that infringe on the copyrights of others. This includes institutions of higher education that provide Internet access.

KELLEY EDUCATION PROCEDURES

- We do not “police” Internet activities
- We will take action if infringing activities are brought to our attention; such as, but not limited to a takedown notice, pre-settlement letter or settlement letter from an agent (the RIAA, MPAA or other agent) or the copyright holder.

ACTION STEPS

1. Following receipt of a proper notification, Kelley Education Inc. will “expeditiously” remove (“taken down”) the infringing material or block access to it.
2. The User will be presented with a notice that the material is subject to copyright & subsequent violations may lead to suspension or termination; unless:
 - a. a settlement offer has been provided; the user may choose to settle.
 - b. Accuracy is disputed; the user accepts responsibility; the user protects Kelley Education Inc. from liability.
 - c. In either case of the above, Kelley Education Inc. will notify the notification sender of the user’s intentions.

ENFORCEMENT AND PENALTIES FOR INFRINGEMENT

There are substantial penalties for infringement of copyrights.

1. An injunction to stop is usually 1st.
2. Actual damages for financial loss
3. Statutory damages, for which no actual damages need to be proved
4. Award damages between \$750 and \$30,000.
5. If infringement is willful, the penalty may be as high as \$150,000 per item.