Copyright Policy

Tri-County Community College acknowledges and adheres to The United States Copyright Act of 1976 that provides protection to "original works of authorship." Protection includes, but is not limited to, print and digitized versions of literary, musical and graphic works, motion pictures, sound recordings, audiovisual works and Internet resources.

We recognize that: 1) the holders of copyright possess the exclusive right to authorize reproduction or distribution of copies of copyrighted works and that 2) it is illegal to violate the rights of copyright holders or to direct others to do so.

All faculty, students, and employees, including users of Blackboard, must adhere to U.S. copyright laws in using materials for which they do not own the copyright.

When using copyrighted materials, all faculty, students and employees, including users of Blackboard, must give notice that the materials used may be protected by copyright.

We recognize that the majority of materials copied at Tri-County Community College will fall under the definition of materials used for educational purposes and therefore may be copied under Fair Use Guidelines, section 108 of the Copyright Law, as attached.

We also recognize that instructors posting copyrighted materials to Blackboard, even though protected under the Fair Use Guidelines, are further restricted according to the TEACH Act of 2002 as outlined below:

- The performance or display must be:
  - A regular part of systematic mediated instructional activity;
  - Made by, at the direction of, or under the supervision of the instructor;
  - Directly related and of material assistance to the teaching content; and
  - For and technologically limited to students enrolled in the class.

Finally, we recognize that the copying of library materials by Library staff for use in the library is governed by different guidelines, which will be upheld by the Library.
**Tri-County Community College Fair Use Guidelines**

Fair Use is determined by examining all 4 of the following conditions:

- purpose and character of use is for nonprofit educational purposes
- nature of copyrighted work
- amount and substantiality of material used (portion to whole)
- effect of use upon potential market and value of work

Once these conditions have been met instructors and students may use the following guidelines for copying materials for educational use:

**Single Copying**
Faculty, students or staff may make a single copy for educational purposes of any of the following:

- A chapter from a book
- An article from a periodical or newspaper;
- A short story, short essay or short poem, whether or not from a collective work;
- A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
- Videos, DVDs, CDs, Records, Cassette tapes and software
- Text, images and video or audio clips from the Internet

**Multiple Copies, Multi-Media Integration, Blackboard Use:**

Multiple copies may be made by the instructor for classroom use or incorporated into multimedia or Blackboard presentations provided that:

- The copying meets the following tests of brevity and spontaneity as defined below; and,
- meets the cumulative effect test as defined below; and,
- the material has been legitimately acquired, and
- each copy is properly cited and includes a notice of copyright.

**BREVITY:**

- **Poetry:** (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- **Prose:** (a) Either a complete article, story or essay of less than 2,500 words, or (B) an excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.
- **Illustration:** One chart, graph, diagram, drawing, cartoon, or picture per Internet site, book or per periodical issue, but not more than 5 images by a single artist or photographer.
- **Music, video, audio and clips from Internet sites:** should not exceed 10 percent of the performance
- **"Special" works:** Certain works in poetry, prose, which falls short of 2,500 words in their entirety, may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof may be produced.

**SPONTANEITY:**

- The copying is at the instance and inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

**CUMULATIVE EFFECT**

- The copying of the material is for only one course in the school in which the copies are made.
- Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- Not more than nine instances of such multiple copying for one course during one class term.