

Copyright Compliance Policy

COPYRIGHT COMPLIANCE POLICY

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OVERVIEW

In undertaking teaching, research or other University activities, it is often necessary to use, adapt or link to material that is owned by a party other than the University. The University supports the lawful use of Third Party Material for these purposes.

This Policy sets out the University's position on the use of Third Party Material and associated copyright compliance requirements. As copyright infringements may result in civil or criminal action against the University and / or the individual responsible for the infringement, copyright compliance is each individual's responsibility.

This Policy does not set out the University's position on the ownership of copyrighted material created by members of the University. That is addressed in the Intellectual Property Policy.

SCOPE AND APPLICATION

This Policy applies to all University Personnel and students.

POLICY PRINCIPLES

1. The University supports and encourages the lawful use of Third Party Materials to enhance the activities of the University. All Personnel and students are responsible for observing copyright legislation, and any restrictions or obligations under any licences or permissions in their use of Third Party Material.
2. Where possible, personnel are strongly encouraged to first consider using Third Party Materials that are freely available on an open access basis (e.g. under Creative Commons). Guidance is available at <http://libguides.adelaide.edu.au/freelyavailable>.
3. If no suitable open access Third Party Materials are available, the University has special licences and exemptions as an educational institution that enable it to use Third Party Materials for educational purposes. Personnel and students also have legislative exemptions as individuals to use Third Party Materials for certain purposes (e.g. own research and study; criticism or review). These licences and exemptions are subject to limitations that must be adhered to.
4. Where a proposed use or activity is not within the scope of any special licence or exemption, Third Party Materials should not be used unless written permission or a licence is obtained from the copyright owner of the Third Party Material.

5. The use of Third Party Materials for activities undertaken offshore is subject to the copyright laws of the country where the activity is undertaken.
6. The University will provide Personnel and students with information and resources to assist them with copyright compliance. Where central systems are provided by the University to facilitate content management and copyright compliance, Personnel must use these systems and not any other system unless otherwise authorised to do so.
7. Personnel must cooperate with the University's Copyright Officer's requests to provide details of their copying or communication of Third Party Material. Such requests may be issued pursuant to external compliance requirements, or as part of an internal compliance audit.
8. The University does not condone copyright infringement. The University's Copyright Officer is the designated person to receive and action external and internal allegations of copyright infringement by the University or users of University IT facilities. Personnel and students have a responsibility to notify the University's Copyright Officer of any:
 - a) allegations that the University has infringed the copyright of a third party; and
 - b) University material or activity that the Personnel or student reasonably believes is in breach of a third party's copyright.
9. Personnel and students must not use University facilities or equipment in a manner that infringes the copyright of a third party (refer also to the IT Acceptable Use and Security Policy).
10. Breaches of this Policy or copyright legislation by Personnel may constitute misconduct which may lead to disciplinary proceedings including termination. Breaches of this Policy by students may constitute student misconduct. Copyright infringement by an individual may also result in personal liability to, or criminal prosecution of, that individual.

PROCEDURES

1. Using third party materials for educational purposes

Responsibility: All Personnel

- a) All Academic staff of Level B and above, and all Level A academic staff appointed in a teaching role, are required to complete the copyright online induction course within the first three months of their employment. Professional staff (depending on the nature of their role) and existing academic staff may be required by their line manager or Head of School to complete the copyright online induction course.
- b) All Personnel involved in the production, reproduction or delivery of Teaching Materials must be familiar with and meet their copyright obligations. Information is available on the [Copyright website](#) or [online Copyright Induction for Staff course](#).
- c) Where seeking to rely on University licences or exemptions, Personnel must pay particular attention to the limits on the amount that may be copied, and any labelling requirements. Where a specific licence or permission has been obtained from the copyright owner, or the material is made available under Creative Commons or other terms of use, Personnel are responsible for ensuring that their use complies with the terms of that licence or permission.
- d) Electronic distribution of Teaching Materials containing Third Party Materials must be copyright compliant and must only occur via the University's learning management system (MyUni), course folders on the University's shared drive or by email to students enrolled in the course. Personnel must not use an alternative distribution system without first consulting with the University's Copyright Officer.
- e) Where Personnel wish to distribute digital copies of literary, dramatic, artistic or musical works (e.g. book chapters, journal articles, music scores) to students as course resources, personnel must consult with the Library's [Digital Resources Management Centre](#) on the digitising of that material. The Digital Resources Management Centre provides a central digitisation service to ensure that the copying limits under the University's statutory licence are adhered to.

2. Using third party materials for other University purposes

Responsibility: All Personnel

- a) The University only has special copyright licences and exemptions for activities undertaken for the purpose of educating students of the University. If seeking to use Third Party Materials for other University activities such as:
- Research or consultancy
 - Public lectures or performances
 - Publication of scholarly work
 - MOOCs or other non-award courses
 - General administrative activities
 - Promotional or marketing activities

Personnel are responsible for ensuring that relevant permissions or licences have been obtained so as not to infringe the third party's copyright. If in doubt, seek advice from the University's Copyright Officer.

3. Dealing with allegations of copyright infringements

Responsibility: All Personnel and students

- a) Where a notice is received from a third party alleging that any University activity or material, or material available on the University's IT system, infringes that third party's copyright, such notice must be promptly forwarded to the University's Copyright Officer for action under the Procedure for Actioning Copyright Infringement Allegations and Take-Down Notices.
- b) Where Personnel or a student reasonably believes that any University material or activity infringes copyright, that matter must be promptly reported to the University's Copyright Officer.

DEFINITIONS

'[Creative Commons](#)' is the internationally recognised licensing system used by some copyright owners to make their copyright material freely available under standardised terms.

'**Educational Purposes**' means the preparation, teaching or administration of an award course. This includes retention in the physical collection of a University library for use by students.

'**Personnel**' for the purposes of this Policy means people actively associated with the teaching, learning, research, enabling and support activities of the University and includes:

- University officers appointed under the University of Adelaide Act 1971 (SA) and external members of the governing body or any committee of the University of Adelaide Council
- Academic and professional staff
- Titleholders, academic visitors and affiliates of the University
- Contractors and consultants
- Volunteers

'**Teaching Materials**' are materials in any form prepared for Educational Purposes. They include curriculum outlines, lectures, lecture notes and material, syllabi, study guides, assessment materials, images, web content, course software, etc.

'Third Party Material' means material in which copyright is owned by a party other than the University.

'University's Copyright Officer' means the person appointed by the University to that role.

RMO FILE NUMBER	F.2016/1150
POLICY CUSTODIAN	Chief Operating Officer & Vice-President (Services and Resources)
RESPONSIBLE OFFICER	Copyright Officer
ENDORSED BY (Academic Board or VCE)	Vice Chancellor's Executive on
APPROVED BY	Vice Chancellor and President on
RELATED DOCUMENTS AND POLICIES	IT Acceptable Use and Security Policy Intellectual Property Policy Code of Conduct Student Misconduct Rules Legal Compliance Policy Procedure for Actioning Copyright Infringement Allegations and Take-Down Notices
RELATED LEGISLATION	Copyright Act 1968 (Cth)
SUPERSEDED POLICIES	Nil
DATE EFFECTIVE	
NEXT REVIEW DATE	July 2019
CONTACT FOR QUERIES ABOUT THE POLICY	Copyright Officer (phone 8313 5244 or email copyright@adelaide.edu.au) or see University's Copyright Website
