



**ST. JOSEPH'S COLLEGE OF NURSING**  
**at St Joseph's Hospital Health Center**  
**Syracuse, New York**

**SJCON: COPYRIGHT POLICY**

**PURPOSE:**

Membership in the academic community of the St. Joseph's College of Nursing implies a high regard for human dignity and the expectation that ethical conduct be understood and practiced. Academic integrity is a demonstration of respect for the scholarship and the intellectual and creative efforts of others. We recognize that every individual has the right to the fruits of their own labor and is entitled to the appropriate acknowledgement of that labor. The purpose of this copyright and infringement policy is to provide a summary of US copyright law as it pertains to the copying, distribution, sharing, and display of materials at St. Joseph's College of Nursing.

**Explanation of Copyright**

1. Copyright is an area of law that provides creators and distributors of creative works an incentive to share their works, by granting them the right to be compensated when others use those works in certain ways. Specific rights are granted to the creators of works in the U.S. Copyright Act (Title 17, U.S. Code):
2. If you are not a copyright holder for a particular work, as determined by the law, you must ordinarily obtain copyright permission prior to reusing or reproducing that work. However, there are some specific exceptions in the Copyright Act for certain users, and permission is never required for certain other actions, such as reading or borrowing works from a library collection.
3. Any creative work that you may come across – including books, magazines, journals, newsletters, charts, photographs, graphic materials, and other printed materials; unpublished materials, such as analysts' and consultants' reports; and non-print materials, including electronic content, computer programs and other software, sound recordings motion pictures, and video files is protected by copyright. Copyright law does not protect ideas, data, or facts.
4. In the United States, the general rule of copyright duration for a work created on or after January 1, 1978 is the author's life, plus 70 years after the author's death. This is referred to as "life-plus-70". Works created by companies or other types of organizations generally have a copyright term of 95 years. For more information on copyright duration, visit the [United States Copyright Office](#).

NOTE: While most works belong to their authors, when work is done by employees during the course of their employment, those works may belong to the employer. These works are known as "works made for hire".

Title 17, Section 101 states:

A "work made for hire" is—a work prepared by an employee within the scope of his or her employment; or a work specially ordered or commissioned for use as a contribution to a collected work.

## Public Domain

The public domain comprises all works that are either no longer protected by copyright or never were. It should not be confused “with the mere fact that a work is publicly available”. All works first published in the United States before 1924 are considered to be in the public domain. It also extends to works published between 1924 and 1964 on which copyright registrations were not renewed. All materials created since 1989 are presumed protected by copyright. Works created by the U.S. federal government are in the public domain and can be used freely.

## Fair Use

A provision for fair use is found in Title 17, Section 107. Under the fair use provision, a reproduction of someone else’s copyright-protected work is likely to be considered fair if it is used for one of the following purposes: teaching, research, scholarship, criticism, or comment. If the reproduction is for one of these purposes, a determination as to whether the reproduction is fair use, must be made based upon four factors:

1. The purpose and character of use (principally, whether for commercial or nonprofit educational use);
2. The nature of the copyright-protected work;
3. The amount and substantiality of the portion used; and
4. The effect of the use being evaluated upon the potential market for or value of the copyright-protected work.

Fair use is determined by three tests: Brevity, Spontaneity, and Cumulative Effect:

## Definition of Brevity, Spontaneity, and Cumulative Effect

**Brevity:** Either a complete article, story, or essay of less than 2,500 words, or an excerpt from any prose work or not more than 2,500 words or 10% of the work, whichever is less, but in any event, a minimum of 500 words.

**Spontaneity:** Reproduction of material for classroom use that is unexpected and at a moment of “inspiration”. For example, where an article found the morning before class is directly relevant to that day’s class topic. This covers one time use in only one semester or term. For longer use, copyright permission is necessary.

**Cumulative Effect:** The copying or posting of material is for only one course in the school. No more than one article or two excerpts from the same author and no more than three articles from the same collective work or periodical during one semester or term. Altogether, there should be no more than nine instances of multiple copying or multiple postings in a course during a semester or term.

If your use does not meet any of the above criteria and the work is protected by copyright, you probably need to obtain permission to use the work from the copyright holder or its agent.

## DMCA

The Digital Millennium Copyright Act (the DMCA) was passed into law in 1998 to address some of the issues unique to digital copyright that were not being addressed by the copyright laws in effect at that time.

The DMCA provides limited liability for university networks acting as Internet service providers (ISPs) for students and faculty, provided that certain requirements are met. These include:

- Appointing a designated agent to receive reports of copyright infringement and registering the agent with the U.S. Copyright Office.
- Developing and posting a copyright policy and educate the campus community about copyright.
- Comply with “take down” requests.
- Apply measures to protect against unauthorized access to content and dissemination of information.
- Using only lawfully acquired copies of copyrighted works.

## The TEACH Act: Technology, Education and Copyright Harmonization Act of 2002

The TEACH Act was signed into law in 2002. The Act expanded the latitude colleges and universities have for the performance and display of copyright-protected materials in a distance education environment and the use of Course Management Systems (CMS).

**In order for copyrighted materials, posted on a CMS, to qualify for the TEACH exemption, the following criteria must be met:**

Only “reasonable and limited portions,” that might be performed or displayed during a typical live classroom session, may be used.

- The institution must be an accredited, non-profit educational institution.
- The use must be part of mediated instructional activities.
- The use must be limited to a specific number of students enrolled in a specific class.
- The use must either be for ‘live’ or asynchronous class sessions.
- The use must not include the transmission of textbook materials, materials “typically purchased or acquired by students,” or works developed specifically for online uses

**The institution (St. Joseph’s College of Nursing) is responsible for the following:**

- The institution must have developed and publicized its copyright policies, specifically informing students that course content may be covered by copyright, and include a notice of copyright on online materials.
- The institution must implement some technological measures to ensure compliance with these policies, beyond merely assigning a password. Ensuring compliance through technological means may include user and location authentication through Internet Protocol (IP) checking, content timeouts, print-disabling, cut & paste disabling, etc.

**The exemptions under TEACH specifically do not extend to:**

- Electronic reserves, course packs (electronic or paper) or interlibrary loan (ILL)
- Commercial document delivery.
- Textbooks or other digital content provided under license from the author, publisher, aggregator or other entity.
- Conversion of materials from analog to digital formats, except when the converted material is used solely for authorized transmissions and when a digital version of a work is unavailable or protected by technological measures.

**TEACH does not supersede fair use or existing digital license agreements.**

To benefit from the freedoms provided by DCMA and TEACH, St. Joseph’s College of Nursing will have 2 designated copyright agents on the library and technology staff. Library and technology staff cannot assist members of the St. Joseph’s College community with any request that infringes copyright.

**Posted Copyright Notice**

All printers in communal spaces will be affixed with the following copyright notice:

- The copyright law of the United State (Title 17, United States Code) governs the use of photocopies and other reproductions of copyrighted material. The person using this machine is liable for any infringement.

Printers in individual offices will not be affixed with copyright notice. The occupants of those offices will be responsible for copyright infringement.

The following notice will appear on the Canvas Learning Management System:

- Copyright Restriction: Title 17, United States Code, governs the making of photocopies and other reproductions of copyrighted material. Under certain Fair Use circumstances specified in the law, libraries and educational institutions are allowed to furnish copies to students. The copies may not be used for any purpose other than private study, scholarship, or research. Electronic copies should not be shared with unauthorized users. If a user fails to comply with Fair Use restrictions, he/she will be liable for copyright infringement.

Additionally, a copy of this copyright policy will be uploaded to the Canvas Library page.

### **Peer to Peer File Sharing**

The unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject a student to criminal and civil penalties. These laws cover both making copies using a photocopier and sharing materials through electronic means. Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law. Students should be cautious when obtaining any copyrighted material. Before a student receives anything for free, they should research whether that source provides material licensed by the copyright owner.

### **Copying by Students**

Photocopying by students is subject to a fair use analysis and the tests of brevity, spontaneity, and cumulative effect. A single photocopy of a portion of a copyright-protected work, such as a copy of an article from a scientific journal made for research, may be made without permission.

Photocopying all the assignments from a book recommended for purchase by the instructor, making multiple copies of articles or book chapters for distribution to classmates, or copying material from consumable workbooks all require permission.

### **Copying for Student Use**

Instructors may have multiple copies of a work for classroom use (not to exceed 1 copy per pupil in a course, per semester or term) if such copying meets the test of brevity, spontaneity and cumulative effect.

The following are prohibited:

1. Copying used to create or replace or substitute for anthologies, compilations, or collective works.
2. Copying of or from works intended to be consumable in the course of study or of teaching. These include workbooks, exercises, standardized tests, test booklets and answer sheets, and like consumable material.

Copying shall NOT:

1. Substitute for the purchase of books, publisher's reprints, or periodicals.
2. Be repeated with respect to the same item, by the same instructor, from term to term.

### **Reserves**

If St. Joseph's College of Nursing and Medical libraries owns a copy of a publication or work, the library may place that copy and 1 additional photocopy on reserve without obtaining copyright permission. If the library wishes to reproduce additional copies of a work and place them on reserve for students to review, in either paper or electronic format, the library must obtain copyright permission. This rule also applies to faculty members' personal copies they wish to place on reserve. The St. Joseph's College community can link to materials owned by the St. Joseph's College of Nursing and Medical libraries.

### **Individual Use in Preparation for Teaching**

Instructors may have, for research or for class preparation, a single copy of work if it falls within the guidelines of the copyright law. The following are permitted:

1. A chapter from a book
2. An article from a periodical or newspaper.
3. A short essay or short poem whether or not from a book, periodical or newspaper.

If an instructor is preparing a bibliography, he/she may have a single copy of each article on his/her bibliography placed on reserve. In many cases, there will be 1 or 2 copies of the original source and/or a photocopy on reserve in the library

If an instructor needs an article from interlibrary loan for his/her bibliography, the article must be placed on reserve.

1. Interlibrary loan articles cannot be photocopied and may only be printed once.
2. Interlibrary loan requests are only done for journals and texts not held in the library. No more than 5 requests will be honored per institution, per year, from issues published in the last 5 years.

## Articles, Books, Essays, Poems, and ILL materials – Copying

I would like to...	Allowances	Conditions	Notes
Copy & distribute material from a book	Certain amounts are legal; must meet test of brevity, spontaneity, and cumulative effect	Same materials copied and distributed from semester/term to semester/term are not allowed	Obtain appropriate permission for semester/term to semester/term items OR provide via reserves.
Copy & distribute an article	This is allowed. No more than 3 articles from the same collective work or periodical within a semester/term, per class	Same article(s) copied and distributed from semester/term to semester/term not allowed.	Obtain appropriate permission for semester/term to semester/term articles.
Copy & distribute a poem or short essay	1 of each per semester, per class	Same items copied and distributed from semester/term to semester/term not allowed	Obtain appropriate permission for semester/term to semester/term items
Copy & distribute an ILL article	Not allowed to be distributed.	Used for personal research needs.	If article needed for distribution, permission must be secured. Putting the article on reserve is an option, but photocopying is not.
Show a movie from a commercial streaming service (i.e. Netflix, Amazon Prime etc.)	This is generally not allowed. However, see conditions.	Allowed if for educational purposes AND an agreement between you and the streaming service allows educational use. Most commercial streaming licenses only allow for personal use. Signing license agreements, often requires giving away certain freedoms, such as copyright exceptions.	Must obtain appropriate permission. Also, if you or the library purchases a copy of the video and use it, it will be OK. See next item for details.

## Videos – Classroom Use, Borrowing

I would like to...	Allowances	Conditions	Notes
Show a DVD that I purchased or borrowed from the Library	This is allowed.	Must be directly related to course content and ONLY the teaching faculty members and students registered for that class may watch the content during scheduled class time.	
Show a video from the hospital network	This is allowed.	The video should not be shown to viewers unassociated with St. Joseph's Health.	
Show YouTube videos (or other unpaid streamed media) in class or online	Yes, this is allowed. However, if you know that copyright is violated with the video (hard to know unless you made it), it is not to be displayed.	If YouTube videos are saved as a file, they must be reviewed annually to ensure that the video has not been removed from the site for copyright violation.	If a YouTube video is saved as a file, but that YouTube video is removed from YouTube (usually because of Copyright issues), you cannot make it available for viewing.

## Workbooks, Problem sets, and Reserves

I would like to...	Allowances	Conditions	Notes
Use workbooks on reserve or assign students to use workbooks on reserve.	This is allowed.	Photocopying of workbook pages in not allowed because workbooks are considered consumable.	Seek permission from publisher to photocopy from semester to semester <b>OR</b> require the books be purchased, <b>OR</b> allow students to use the workbooks without writing in or photocopying them <b>OR</b> use the workbook problems to create your own problem sets with attribution.
Photocopy materials from a book on reserve or allow students to photocopy materials on reserve.	This may be allowed, but the same materials may not be copied from semester to semester.	The material copied must <b>NOT</b> make up a large portion of the work or represent the "heart" of the material.	If the same items are copied from semester/term to semester/term seek permission from the publisher <b>OR</b> require the book be purchased <b>OR</b> place it on reserve for student use, not to be photocopied.

## Learning Management System – Canvas

I would like to...	Allowances	Conditions	Notes
Post an article	If you can access the article electronically through a database we pay for, you may enter a permalink to the article in Canvas.	If you gain the article from the school's print collection, and would like to post it on Canvas, you can scan it and save it, and post it to Canvas. A copyright notice must accompany all articles obtained in print.	Our primary database providers insist that links and not actual scans of articles are used.  Articles obtained through LWW electronic book resources may be posted in full-text PDF on Canvas.
Post a link from the internet for students use.	If the site is accessible on the web freely, you may post the links.		Links from SJEN may also be posted, but students are required to use VPN when accessing those resources.
Post a chapter from the textbook.	Most publishers allow the posting of the first 1-2 chapters of their texts at the beginning of the semester (to accommodate students just getting into class).	Check with publisher to ensure that you are allowed to do this: some are more restrictive.	The publisher will usually forward the chapter to you for posting. <b>Do not assume that you can post it, ask first.</b>
Post YouTube videos (or other unpaid streamed media)	YouTube videos (or other unpaid streamed media) may be posted to Canvas for student access.	If you know that copyright is violated with the video (hard to know unless you made it), it is not to be posted. If YouTube videos are saved as a file, they must be reviewed annually to ensure that the video has not been removed from the site for copyright violation.	If a YouTube video is saved as a file, but that YouTube video is removed from YouTube (usually because of Copyright issues), you cannot make it available for viewing.
Make an entire film available on Canvas.	Entire films are not allowed. However, segments of films are allowed.	The film must be directly related to course content and it should be removed at the end of the course.	The total length of all film segments should not, be more than 10% of the entire film.
Upload images to Canvas	This is allowed, if you or St. Joseph's College of Nursing or St. Joseph's Health owns the source of the image or if the image is in the public domain.	If you, St. Joseph's College of Nursing, or St. Joseph's Health does not own the source of the image or the image is not in the public domain, it may still be displayed for the length of a course. It may not be displayed from semester/term to semester/term.	There are many resources for free images, whether public domain or creative commons. Try <a href="http://creativecommons.org">http://creativecommons.org</a> or use usage rights filters on search engines.

**DOCUMENT CONTROL TRACKING FILE**

Title: SJCON: Copyright Policy	
Standard: NIAHO: _____ CMS _____ ISO _____	
Document Owner: Vice President/Dean for SJCON	Forms #:
Reviewed by the following:	
Librarian	Date: 5/18 6/19 11/20
Faculty Staff Organization	Date: 12/20
	Date:
	Date:
	Date:
	Date:
Administrative Approvals:	
Marianne Markowitz, Ed.D., RN, CNE Vice President/Dean	AnneMarie Walker-Czyz, RN, Ed.D Chief Nursing Officer
Additional Approvals:	
Education:	
Monthly policy/procedure update: 3/19 12/20	
Additional:	
Revisions: 3/19 Policy placed online 6/19 editorial change 12/20 years updated in the public domain per the US Federal Government	
References:	
Original Date:	Reviewed/Revision Dates: 5/18 6/19 12/20

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