



POLICY DOCUMENT

F3.1 ACPE COPYRIGHT POLICY¹

Preamble

The Copyright Act 1968 (Cth), and subsequent amendments, grants exclusive rights to copyright owners to use copyrighted material, including the right to reproduce or copy, publish, perform, communicate, translate or adapt the material. Protection is given under four categories of "works" (literary, dramatic, musical, and artistic works) and four categories of "subject matter other than works" (cinematograph films, sound recordings, broadcasts, and published editions of works).

1 Policy Statement

ACPE is committed to the proper observance of copyright law under the provisions of the Copyright Act 1968 (Cth), and to upholding the rights of creators and users. Staff and students have an obligation to ensure that they are familiar with the provisions of the Copyright Act, and it is the responsibility of all staff and students to comply with copyright law. It is essential that every individual involved in the use of copyrighted material in connection with ACPE complies with copyright law, and that the College, as an institution, can demonstrate a high level of compliance.

2 Purpose and Scope

2.1 The purpose of this policy is to

- Provide a clear statement to staff, students and other members of the College community concerning their compliance obligations with respect to copyright;
- Mandate compliance with copyright laws by all involved in the College's activities and minimise the risks that flow from copyright non-compliance, particularly the risks that flow from digital and online material use;
- Improve the awareness of members of the College community of the importance of copyright compliance and to foster legitimate uses of copyrighted materials; and
- Demonstrate a commitment by the College and its highest level managers to a compliance culture.

¹ The College acknowledges that this policy has benefited from a review of similar policies in the tertiary sector, in particular, those published by the University of Adelaide and the Queensland University of Technology.

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- 2.2 This applies to all staff, students, contractors and other persons who are contributing to the core functions of ACPE.

3 General Principles

- 3.1 The use of material created by others is central to the functions of the College as an institution that is focused on teaching and learning. The College supports and encourages the legitimate use of copyrighted materials to enhance its teaching, learning and research activities.
- 3.2 The College does not condone any use of copyrighted materials in breach of copyright laws, and expects all staff, students and other community members to comply with copyright laws and all legal restrictions and obligations regarding the use of copyrighted material.
- 3.3 Breaches of copyright law by members of the College community will be treated seriously as the risks that could flow to the College, and to the individual, as a result of non-compliance with copyright are severe.
- 3.4 The use of digital and online media in teaching is encouraged and supported, as it enhances and streamlines the College's teaching functions. However, the College urges caution in respect of the special challenges and risks presented by online and digital media in terms of copyright compliance.

4 Copyright Obligations and Responsibilities

- 4.1 **The College Copyright Officer**
The College Copyright Officer is responsible for general assistance staff and students to understand their obligations under the Copyright Act 1968 (Cth). The Copyright Office is also responsible for training academic and administrative staff and for the continual review of the College's copyright policy and associated guidelines.
- 4.2 **The College Dean and Associate Deans**
The College Dean together with the Associate Deans are responsible for assistance and staff development for full time and part time academic staff in respect of facilitating their understanding of their obligations under the Copyright Act 1968 (Cth).
- 4.3 **Staff**
All staff are required to comply with this Policy and the Copyright Act 1968 (Cth), and are expected to read and understand the compliance information provided for them in the Copyright Guidelines associated with this Policy and the copyright guidelines which are located within the Library Rules and within the Conditions of Information Technology Services Use for Student and the Conditions of Information Technology Services Use for Staff. Staff who do not comply with this policy and the compliance requirements in the associated Copyright Guidelines may be liable for disciplinary action under the terms of the ACPE Staff Code of Conduct.

4.4 Supervisors & Academic Units Coordinators

Managers are responsible for copyright compliance in the business activities of their organisational unit.

Managers must ensure:

- 4.4.1 that staff are aware of and follow copyright compliance procedures;
- 4.4.2 that departmental copyright procedures are in place, and
- 4.4.3 that breaches are appropriately reported, taking advice from the College Copyright Officer.

4.5 Student Obligations

All students are expected to read and understand the information provided for them in the College's copyright Policy and the Associated Guidelines, particularly relating to the copying and distribution of copyrighted sound or video recordings. Students are personally responsible and liable for breaches of copyright arising from their own actions and may be liable for disciplinary action in accordance with the Student Code of Conduct or the Policy associated with Plagiarism.

4.6 IT Users Obligations

All authorised users of the College's IT facilities must ensure that they comply with copyright laws in their online dealings. More details of these obligations, and the consequences of non-compliance, are set out in the Conditions of Information Technology Services Use for Student and the Conditions of Information Technology Services Use for Staff.

4.7 Library users Obligations

All authorised users of the College Library must ensure that they comply with copyright laws in their dealings with the Library in relation to photocopying and printing. Academic staff must also comply with copyright laws in relation to the posting of online readings and resources to the College website. More details of these obligations, and the consequences on non-compliance, are set out in the Copyright Guidelines and in the Library Rules.

5 Copyright Licence Agreements

The College has entered into several licence agreements which assist it to meet its obligations in respect of certain provisions of the Copyright Act. The College also enters into voluntary commercial licence agreements for the use of information resources, information technology and software. Current copyright agreements held by the College are noted in the Copyright Guidelines associated with this Policy. The College is committed to compliance with its statutory and commercial licences for the use of copyright material. It is also committed to compliance with the terms of open licences such as Creative Commons, and open source software licences. Such licences are attached to the material itself and their terms give users broad rights to deal with the material on certain conditions.

6 Breaches of Copyright Policy

6.1 Breaches by Members of the College Community

Breaches of copyright law by members of the College community will be treated seriously by the College. As outlined above in paragraphs 5.5, 6.3 and 6.5 above, staff

and students respectively may face disciplinary action if they fail to comply with this Policy and the legal requirements relating to copyright.

6.2 Suspected Breaches Within the College's IT System

Where a staff member, student or some other member of the College community believes that the availability of any material on the College's IT system may be in breach of copyright, that potential infringement must be reported to the College Copyright Officer and or the Dean/Associate Dean(s)

6.3 Breaches Reported by Persons External to the College Community

Where a notice is received from outside the College alleging that the availability of any material on the College's IT system may be in breach of copyright, the notice must be forwarded to the College Copyright Officer in accordance.

7 Policy Administration

7.1 Approval and Review

POLICY NUMBER F3.1: ACPE Copyright Policy			
Information Officer	Dean and Head of College		
Initial Approval Date	28 th April 2009		
Version Number	2.0	Approval Date	
Commencement Date			
Next Review Date	28 th April 2016		
Approval Authority	Dean and Head of College, ACPE		
Approved By	Dr Brian Nook, Dean and Head of College, ACPE		
Approval Signature		Date	

8 Related Documents

Copyright Act 1968 (Cth)
Copyright Agency Ltd
Screenrights
Australasian Performing Right Assn Ltd
The Australasian Mechanical Copyright Owners Society
ACPE Guidelines on Copyright
ACPE Staff Code of Conduct
ACPE Student Code of Conduct
ACPE Library Rules
Academic Staff Library use Policy
Library Student Loan and Resource Access Policy