

Principia Copyright and Fair Use Policy and Procedures

It is the policy of Principia that all members adhere to United States Copyright Law.

This policy applies to all faculty, staff, and students of Principia and applies to both the School and the College. Compliance with the terms of Principia's Copyright Policy is a condition of employment of employees of Principia and is a condition for enrollment at Principia School and Principia College.

I. Reason for Policy

U.S. Copyright law protects works in a tangible medium and grants copyright owners rights of reproduction, distribution, public display and performance, and the preparation of derivative works. By understanding and applying the exceptions and limitations of the Copyright Act outlined in the following policy statement, Principia employees and students reduce institutional and individual risk.

Under the US Code, Title 17, the making of photocopies or other reproduction of copyrighted materials is controlled. "Fair use" is a process through which exemptions to the law are determined. Parties wishing to reproduce copyrighted material must apply the fair use factors

If for any reason the person receiving a photocopy or reproduction later uses that copy for purposes other than "fair use," that person may be held liable for copyright infringement.

II. Statement of Principles

Principia's *Purpose and Policies* set the expectation that all faculty, staff, and students act on the basis of Principle and to develop and exemplify true Christian character in their daily lives (Policies 10, 11, 12 and 20). Therefore, it is the policy of the institution that all Principia employees and students adhere to the United States Copyright Law of 1976, as amended (Title 17, United States Code) to determine copyright ownership, obtain permissions to use all copyrighted materials, and to determine fair use. Failure to comply with this statement may result in disciplinary action.

III. Prohibited Conduct

Except as allowed by law, no member of the Principia community shall reproduce, distribute, display publicly, perform, digitally transmit (in the case of sound or video recordings), or prepare derivative works based upon a copyrighted work without permission of the copyright owner.

Copyrighted work includes, but is not limited to: books, periodicals, music, paintings, photography, sculpture, video, sound recordings, software, websites, and databases.

IV. Permissible Use of Copyrighted Material

Members of the community may use copyrighted material from the United States and other countries if:

1. Such use is supported by a reasonable "fair use" analysis, or
2. The owner of the copyright has given written permission for such use.

V. Faculty Responsibility

Every member of the Principia faculty, regardless of employment status, is responsible for preserving and promoting respect for the rights of creators of copyrighted works through example and instruction.

Faculty are expected to adhere to Principia Copyright and Fair Use Policy and Procedures. Faculty are also expected to be proactive in helping students understand the importance of copyright to the production of materials on which scholarship depends. Principia is committed to providing resources and training necessary to support these endeavors.

Faculty are strongly encouraged to talk about the policy with their immediate supervisor or the College Library Director or School Head Librarian. Faculty who become aware of any pattern of abuse should advise their immediate supervisor.

VI. Student Responsibility

Upon enrollment, each student becomes a full member of the Principia community of scholars. Every Principia student is subject to the copyright laws and is responsible for understanding and implementing Principia Copyright and Fair Use Policy and Procedures. **Principia faculty and the College Library Director or School Head Librarian can help students further understand the copyright law.**

From time to time, Principia students may be given online access to text, audiovisual, or other materials in digital form, by an instructor or staff member of Principia, or receive from the instructor or staff member a digital transmission of such materials.

Without limitation of the general policy, the following specific guidelines apply to materials posted online:

- If the materials have been created solely by the instructor, the student will abide by any restrictions on copying, storage, distribution, and other use that the instructor may set.
- If the materials were created by someone other than the instructor, the student will not permit anyone, other than another student enrolled in the same course, to have access to the digital file, will not make copies except as necessary to do the coursework to which the materials relate, and will delete the file and all copies from their computer(s) at the end of the academic term.

VII. Procedures

A. Making Fair Use Determinations

The Copyright Act sanctions the "responsible, good faith exercise of full fair use rights" (17 U.S.C. § 107). Faculty, staff, and students shall refer to the guidelines below to determine whether the proposed use meets the "fair use exception". Those who require assistance with making a fair use determination may consult the College Library Director or School Head Librarian.

This "fair use" provision of copyright law doesn't provide hard and fast rules to tell you whether a use qualifies as fair. Instead, the unique facts regarding a use lead you to a reasoned conclusion.

Your evaluation should weigh four factors:

1. Purpose and character: If your use is for teaching at a nonprofit educational institution, this is a factor favoring fair use. The scale tips further in favor of fair use if access is restricted to your students during the term of instruction.
2. Nature of copyrighted work: Is the work fact based, published, or out-of-print? These factors weigh in favor of fair use.
3. Amount used: Using a small portion of a whole work would weigh toward fairness. But sometimes it may be fair to use an entire work (such as an image) if it is needed for your instructional purpose.
4. Market effect: A use is more likely to be fair if it does not harm the potential market for or value of the copyrighted work. But if it does, this would weigh more heavily against fair use than the other factors.

Consider each of these factors, but all of them do not have to be favorable to make your use a fair one. When the factors in the aggregate weigh toward fairness, your use is better justified. When the factors tip the scales in the other direction, your need to obtain permission from the copyright holder increases.

B. Obtaining Permission for Use of Copyrighted Materials

Members of the community shall obtain permission from a copyright owner if the use of the copyrighted material may not be deemed fair use or may violate a licensing agreement.

1. College Course Packs

Download and complete the “request for copyright permission form” and “course pack production and distribution details form” found on the College library’s homepage. Follow procedures outlined on the College [library’s copyright resources page](#).

2. College Course Handouts

Download and complete the “request for copyright permission form” found on the College library’s homepage. Follow procedures outlined on the College [library’s copyright resources page](#).

C. Guidelines for Classroom Copying

1. Single copying for teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;

- C. A short story, short essay or short poem, whether or not from a collective work;
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, of newspaper.

2. Multiple copies for use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of use.

3. Definitions

Brevity

- A. Poetry: A complete poem if less than 250 words and if printed on not more than two pages, or from a longer poem, an excerpt of not more than 250 words.
- B. Prose: Either a complete article, story or essay of less than 2,500 words, or an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less. Each of these numerical limits may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.
- C. Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- D. Special works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Such "special works" 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 ten per cent of the words found in the text thereof, may be reproduced.

Spontaneity

- A. The copying is at the instance and inspiration of the individual teacher, and
- B. 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

- A. The copying of the material is for only one course in the school in which the copies are made.

- B. 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.
- C. There shall not be more than nine instances of such multiple copying for one course during one class term.
- D. The limitations shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

4. General Prohibitions

Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts are accumulated or reproduced and used separately.

- A. There shall be no copying from works intended to be "consumable in the course of study or of teaching." These include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
- B. Copying shall not: substitute of the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; be repeated with respect to the same item by the same teacher from term to term.

D. Posting Materials on Course Management Software

1. Linking to library resources at the College

See the [copyright resources page](#) on the College library homepage for best practices for linking to library resources via course management software.

2. Digital Millennium Copyright Act

Under the Digital Millennium Copyright Act of 1998 (DMCA), materials posted online are expected to comply with copyright and fair use policies. Concerns about infringement should be addressed to Principia's DMCA Designated Agent at copyright@principia.edu. Upon notification, infringing material must be promptly removed. For additional information on the DMCA, see Principia's [Digital Millennium Copyright Act](#) page.

E. College Library Course Reserves

See the [copyright resources page](#) on the college library homepage for procedures.

F. Public Performance Rights

Principia College

The College has purchased a license through the American Society of Composers, Authors and Publishers (ASCAP), a performing rights society. This license covers the performance of musical works in the ASCAP repertoire. Limitations to this license include theatrical productions, rights to record music, and rights to reproduce copies of musical works.

Public Performance Rights for theatrical productions must be obtained in writing through theatrical publishers prior to the first rehearsal. These royalty or licensing agreements stipulate the conditions for which the production may be used, performed, and/or recorded. Licensing agreements at Principia College are commonly obtained through the following theatrical publishers: Dramatists Play Service, Playscripts, Samuel French, Music Theatre International, and Dramatic Publishing.

Principia School

With some exceptions, nonprofit K-12 schools are exempt from obtaining copyright permissions for on-campus performances of nondramatic literary and musical works. This exemption does not extend to the digital recording, streaming, production of DVDs, CDs, or posting in social media of such recordings, with the exception of the archival copy for evaluation or class/homework purposes.

Movies

Principia purchases an Annual Site License from Movies Licensing USA to show movies on campus for entertainment purposes. Many films licensed for “Home Use Only” are permitted under this license but should be checked on a title by title basis. See <https://www.swank.com/movie-licensing-usa> for a complete listing. For more information, contact the Student Event Manager at the College or the Student Activities Director at the School.

VIII. Infringement

Determination of whether a specific use of a copyrighted work may constitute infringement shall be made at the College by the Library Director and the Dean of Academics and at the School by the Head Librarian and Assistant Head of School in collaboration with appropriate personnel.

Copyright Infringement Defined

Copyright infringement is the act of violating any of a copyright owner’s exclusive rights granted by the federal Copyright Act. These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer (P2P) file sharing, may subject the students to civil and criminal liabilities.

There are three elements that must be in place in order for the infringement to occur:

- The copyright holder must have a valid copyright.
- The person who is allegedly infringing must have access to the copyrighted work.
- The duplication of the copyrighted work must be outside the exceptions.

Copyright infringement also carries severe civil and criminal penalties.

A summary of legal penalties for copyright infringement are:

- Infringer pays the actual dollar amount of damages and profits.
- The law provides a range from \$200 to \$150,000 for each work infringed.
- Infringer pays for all attorneys fees and court costs.
- The Court can issue an injunction to stop the infringing acts.
- The Court can impound the illegal works.
- The infringer can go to jail.

In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than **\$30,000** per work infringed. For “willful” infringement, a court may award up to **\$150,000** per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to **five years** and fines of up to **\$250,000** per offense. For more information on the laws that outline copyright infringement penalties, please see the web site of the U.S. Copyright Office [here](#).

Principia’s Mitigation Process

Principia’s Department of Information Technology continuously tracks and monitors in real time download bandwidth by IP address.

If you are suspected of violating copyright law, Principia’s mitigation process is as follows:

- 1st offense – You will be contacted to be informed of the infraction and asked to remove any Peer-to-Peer (P2P) file sharing applications and any unlawfully obtained media. You must also acknowledge receipt of the violation notice sent to you. If you fail to acknowledge receipt of the violation notice within 24 hours, your network access may be revoked.
- 2nd offense – You will be informed of the 2nd infraction and your network access will be immediately revoked. You must come to IT with your computer for a formal reprimand and removal of any offending materials by IT staff before your network access is restored.
- 3rd offense – You will have your network access immediately revoked, and you will be referred to the Head of School or College President. If you are referred, you may:
 - Receive a fine and/or official reprimand
 - Lose privileges to use Principia’s network
 - Be suspended or expelled from the School or College

Annual Disclosure

As required by Higher Education Opportunity Act, Principia College will regularly – at least annually – notify each student at the College the obligation to combat illegal file sharing and the information available on this policy.

IX. References

American Library Association, New Copyright Law: Questions Teachers and Librarians Ask. Accessed September 18, 2017. <http://files.eric.ed.gov/fulltext/ED145430.pdf>.

Lesley University, *Use of Copyrighted Works Policy*. Accessed September 12, 2017. <https://www.lesley.edu/use-of-copyrighted-works-policy>.

U.S. Copyright Office, Digital Millennium Copyright Act of 1998. Accessed September 18, 2017. <https://www.copyright.gov/legislation/dmca.pdf>.

U.S. Copyright Office, *General Guide to the Copyright Act of 1976*. Accessed September 18, 2018 <https://www.copyright.gov/reports/guide-to-copyright.pdf>.

U.S. Copyright Office, *Reproduction of Copyrighted Works by Educators and Librarians*. Accessed September 18, 2018. <https://www.copyright.gov/circs/circ21.pdf>.

Fair Use Guidelines for photos, video, audio recordings, and other media are outlined below. Interpretation of these guidelines should be extended to include all digital and other media formats however rented, purchased, or downloaded. Performance and use of copyrighted music or other media beyond Fair Use Guidelines must be properly licensed.

Copyright and Fair Use Guidelines for Students and Teachers for *Classroom Use*

Shared with permission from www.techlearning.com and adopted by Principia 2004

Medium	Specifics	What you can do with attribution*	The Fine Print
Printed Material (short)	<ul style="list-style-type: none"> Poem less than 250 words; 250-word excerpt of poem greater than 250 words Articles, stories, or essays less than 2500 words Excerpts from a longer work (10 percent of work or 1000 words, whichever is less) One chart, picture, diagram, or cartoon per book or per periodical issue Two pages (maximum) from an illustrated work less than 2500 words, e.g., a children's book 	<ul style="list-style-type: none"> Teachers may make multiple copies for classroom use, and incorporate into multimedia for teaching classes. Students may incorporate text into multimedia projects. 	<ul style="list-style-type: none"> Copies may be made only from legally acquired originals. Only one copy allowed per student. Teachers may make copies in nine instances per class per term. Usage must be "at the instance and inspiration of a single teacher," i.e., not a directive from the district. Don't create anthologies "Consumables," such as workbooks, may not be copied.
Printed Material (archives)	<ul style="list-style-type: none"> An entire work Portions of a work A work in which the existing format has become obsolete, e.g., a document stored on a Wang computer 	<ul style="list-style-type: none"> A librarian may make up to three copies "solely for the purpose of replacement of a copy that is damaged, deteriorating, lost, or stolen." 	<ul style="list-style-type: none"> Copies must contain copyright information. Archiving rights are designed to allow libraries to share with other libraries one-of-a-kind and out-of-print books.
Illustrations and Photographs	<ul style="list-style-type: none"> Photograph Illustration Collection of photographs Collection of illustrations 	<ul style="list-style-type: none"> Single images may be used in their entirety, but no more than five images by a single artist or photographer may be used. From a collection, not more than 15 images or 10 percent (whichever is less) may be used. 	<ul style="list-style-type: none"> Although older illustrations may be in the public domain and don't need permission to be used, sometimes they're part of a copyright collection. Copyright ownership information is available at www.loc.gov or www.mpa.org.
Video (for viewing)	<ul style="list-style-type: none"> Videotapes (purchased) Videotapes (rented) DVD's Laserdiscs 	<ul style="list-style-type: none"> Teachers may use these materials in the classroom. Copies may be made for archival purposes or to replace lost, damaged, or stolen copies. 	<ul style="list-style-type: none"> The material must be legitimately acquired. Material must be used in a classroom or nonprofit environment "dedicated to face-to-face instruction." Use should be instructional, not for entertainment or reward. Copying Ok only if replacements are unavailable at a fair price or in a viable format.

Medium	Specifics	What you can do with attribution*	The Fine Print
Video (for integration into multimedia or video projects)	<ul style="list-style-type: none"> Videotapes DVD's Laserdiscs Multimedia encyclopedias QuickTime Movies Video clips from the Internet 	<ul style="list-style-type: none"> Students "may use portions of lawfully acquired copyright works in their academic multimedia," defined as 10 percent or three minutes (whichever is less) of "motion media." 	<ul style="list-style-type: none"> The material must be legitimately acquired: a legal copy (not bootleg) or home recordings. Copyright works included in multimedia projects must give proper attribution to copyright holder.
Music (for integration into multimedia or video projects)	<ul style="list-style-type: none"> Records Cassette tapes CD's Audio clips on the Web 	<ul style="list-style-type: none"> Up to 10 percent of a copyrighted musical composition may be reproduced, performed, and displayed as part of a multimedia program produced by an educator or students. 	<ul style="list-style-type: none"> A maximum of 30 seconds per musical composition may be used. Multimedia program must have an educational purpose.
Computer Software	<ul style="list-style-type: none"> Software (purchased) Software (licensed) 	<ul style="list-style-type: none"> Library may lend software to patrons. Software may be installed on multiple machines, and distributed to users via a network. Software may be installed at home and at school. Libraries may make copies for archival use or to replace lost, damaged, or stolen copies if software is unavailable at a fair price or in a viable format. 	<ul style="list-style-type: none"> Only one machine at a time may use the program. The number of simultaneous users must not exceed the number of licenses; and the number of machines being used must never exceed the number licensed. A network license may be required for multiple users. Take aggressive action to monitor that copying is not taking place (unless for archival purposes).
Internet	<ul style="list-style-type: none"> Internet connections World Wide Web 	<ul style="list-style-type: none"> Images may be downloaded for student projects and teacher lessons. Sound files and video may be downloaded for use in multimedia projects (see portion restrictions above). 	<ul style="list-style-type: none"> Resources from the Web may not be reposted onto the Internet without permission. However, links to legitimate resources can be posted. Any resources you download must have been legitimately acquired by the Web site.
Television	<ul style="list-style-type: none"> Broadcast (e.g., ABC, NBC, CBS, UPN, PBS, and local stations) Cable (e.g. CNN, MTV, HBO) Videotapes made of broadcast and cable TV programs 	<ul style="list-style-type: none"> Broadcasts or tapes made from broadcast may be used for instruction Cable channel programs may be used with permission. Many programs may be retained by teachers for years—see Cable in the Classroom (www.ciconline.org) for details. 	<ul style="list-style-type: none"> Schools are allowed to retain broadcast tapes for a minimum of 10 school days. (Enlightened rights holders, such as PBS's <i>Reading Rainbow</i>, allow for much more.) Cable programs are technically not covered by the same guidelines as broadcast television.

Sources: United States Copyright Office *Circular 21*; Sections 107, 108, and 110 of the Copyright Act (1976) and subsequent amendments, including the Digital Millennium Copyright Act; *Fair Use Guidelines for Educational Multimedia*; cable systems (and their associations); and *Copyright Policy and Guidelines for California's School Districts*, California's Department of Education. **Note:** Representatives of the institutions and associations who help to draw up many of the above guidelines wrote a letter to Congress dated March 19, 1976, stating "There may be instances in which copying that does not fall within the guidelines stated (above) may nonetheless be permitted under the criterion of fair use."

*Note: "**What you can do with attribution**" is both derived from and limited by the Fair Use Doctrine or the Copyright holder's permission.

From *Know Your Copyrights: Using Works in Your Teaching--What You **Can** Do*, used with permission from the Association of Research Libraries, 2007.

What You **Can** Do



Often you can use works in your teaching without permission or fee.

This chart highlights some of those situations. However, there are other circumstances where permission and/or fee are required (for example, when some types of works are included in course packs). Check with your institution's library or legal office for information about campus copyright policies.

Know Your Copy Rights™		Proposed Use			
		Exhibit materials in a live classroom?	Post materials to an online class?	Distribute readings?	Create electronic reserves?
Legal Status of Work To Be Used	Works Not Copyrighted	Yes	Yes	Yes	Yes
	Public Domain Works (US Govt. and pre-1923 works, and certain other works)				
	Your Own Works (if you kept copyright or reserved use rights)	Yes	Yes	Yes	Yes
	Open Access Works (works available online without license, password, or technical restrictions)	Yes	Link	Link	Link
	Electronic Works Licensed by Your Institution (depends on license, but usually permitted)	Yes	Link	Link (Most licenses also allow students to make an individual copy.)	Link
	Electronic Works with a Creative Commons License (depends on license, but usually permitted; if not, LINK)	Yes	Yes	Yes	Yes
Copyrighted Works	Other Works (when none of above apply)	Yes	Yes, if meets either TEACH Act or Fair Use standards. If not, LINK or seek permission.	Yes, if meets Fair Use standards. If not, LINK or seek permission.	Yes, if meets Fair Use standards. If not, LINK or seek permission.