SONORAN UNIVERSITY
OF HEALTH SCIENCES

Copyright Policy

1. **POLICY STATEMENT/PURPOSE**
   Copyright Policy at Sonoran University shall promote "the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" as stated in the U.S. Constitution, Article I, Section 8, Copyright Policy & Intellectual Property U.S. Copyright Law.

   The Sonoran University community shall abide by the Title 17 of the U.S. Code, Public Law 94-5333 of the Copyright Act and the Digital Millennium Copyright Act and expects all community members to adhere to Classroom Guidelines, which are beyond the minimum requirements as established by Copyright Law.

2. **HISTORY/BACKGROUND**

3. **DEFINITION(S)**
   a. **Copyright Law:** grants exclusive rights to authors of published and unpublished works, protecting the intellectual property rights of the copyright holder.
   b. **Digital Millennium Copyright Act:** amendment to the Copyright Law that limits liability to online service providers.
   c. **Technology Education and Copyright Harmonization Act (TEACH)**: allows accredited, non-profit educational institutions the performance and display of copyrighted works for online distance education.
   d. **Commission on New Technological Uses (CONTU)**: establish limits of interlibrary loan of copyright works.
   e. **First Sale Doctrine:** entitles the owner of a particular copy to sell, display or otherwise dispose of the possession of that particular copy.
   f. **Public Domain:** encompasses works prior to 1923 with expired copyright terms. These works are no longer copyright protected, have no copyright restrictions, and may be used without permission. US government documents are public domain. See Related Documents.
   g. **Creative Commons**: allows sharing and permits use of works on the Internet for educational purposes.
   h. **Open Access**: provides works freely available or accessible with protection under Copyright Law.
   i. **Works Made for Hire:** work prepared by an employee within the scope of his or her employment or a work specially ordered or commissioned in certain specified circumstances. When a work qualifies as work made for hire, the employer, or commissioning party, is considered to be the author. The employer or other person for whom the work was prepared is considered the author and unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright. See Related Documents.
   j. **Classroom Guidelines:** report written by the House of Representative which outline general rules or best practices to further clarify Copyright Law and fair use. It is not considered law.

4. **SCOPE/KEY STAKEHOLDERS**

Sonoran University shall educate faculty, physicians, students, and staff about Copyright Law. All members of the Sonoran University community shall be responsible to adhere to this policy, regardless of work location (on- or off- campus) or area of responsibility.

5. **POLICY ITEMS** (do not describe process here – this is for the policy details/rules)
    a. Copyright Law
        i. Copyright occurs automatically when the work is “fixed in tangible form” in the following categories:
            1. Literary works
            2. Musical works, including any accompanying words
            3. Dramatic works, including any accompanying music
            4. Pantomimes and choreographic works
            5. Pictorial, graphic, and sculptural works
            6. Motion pictures and other audiovisual works
            7. Sound recordings
            8. Architectural works
        ii. Fair Use balances the rights of the author with the rights of users by permitting reasonable use of a copyright work without permission for purposes such as teaching, scholarship, and research. Four factors constitute and help to determine fair use:
            1. Purpose and character of the use, including whether it is of a commercial nature, non-profit or educational purposes
            2. Nature of the copyrighted work
            3. Amount and substantiality of the portion used in relation to the whole
            4. Effect of the use upon the potential market for, or value of, the copyrighted work
    b. Academic Educational Guidelines
        i. Copy Services
            1. Unsupervised Photocopying: Copyright Law governs the making of photocopies or other reproductions of copyrighted material. Staff bears no liability for infringement that results from unsupervised photocopying. No charge shall be made to the student beyond the actual cost of the photocopy.
            2. Supervised Photocopying: Staff reserves the right to refuse the making of any copy, if deemed that such copying is a copyright infringement. It is not considered a copyright infringement if an employee or agent of a nonprofit educational institution, library, or archives, acting within the scope of his or her employment makes no more than one copy, or distributes such copy, if it is determined that there is no direct or indirect commercial advantage.
        ii. Notice of Copyright
            1. A copyright notice shall be prominently displayed on photocopy equipment.
            2. A copyright notice shall be placed on interlibrary loan documents, internal webpages where material will be accessed and on each first page of a copy produced and distributed to students.
            3. Faculty shall obtain copyright permission for materials provided in class.
        iii. Classroom Guidelines

1. Photocopying shall not be used to create, replace, or substitute for the actual purchase of books, publishers' reprints, or periodicals.
    a. A single copy may be made of any of the following by or for a faculty at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:
        i. Chapter from a book
        ii. Article from a periodical or newspaper
        iii. Short story, short essay
        iv. Chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper
2. Multiple copies may be made by Faculty of not more than one copy per student in a course for classroom use or discussion, provided that copying meets the tests of brevity, spontaneity and cumulative effect:
    a. Brevity:
        i. 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.
        ii. 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% of the work, whichever is less, but in any event a minimum of 500 words.
        iii. Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
        iv. "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.
        v. Paragraph "ii" above notwithstanding 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 10% of the words found in the text thereof, may be reproduced.
3. Spontaneity:
    a. The copying is at the instance and inspiration of the individual Faculty, and ii. 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.
4. 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.

iv. Notice of copyright placed on the first page of each copy produced and distributed.
1. There shall be no copying of or from works intended to be 'consumable' in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets, and answer sheets, and like consumable material.
2. Repeated use with respect to the same item from term to term may require obtaining copyright permission.

v. Inter Library Loan CONTU Guidelines
1. Records of all interlibrary loan requests shall be maintained through the end of the third calendar year, beginning after the end of the year from which the original date of the request was made.

vi. Course Packs consist of materials compiled by the faculty member for student reading and the faculty shall obtain copyright permission for distribution to students during a course of instruction.

vii. Traditional Reserves encompassing required or recommended texts selected by Faculty and made available to students for a specific time period are governed by Copyright law.

viii. Electronic Reserves shall reduce greater access to material placed on electronic reserve through the utilization of password control and limit access to only students enrolled in the course of instruction.

c. Electronic Media (Websites, Presentations, DVD's, social media, P2P)
i. Creation of an electronic copy of a copyrighted work by any means, including scanning, digitizing, or ripping, constitutes reproduction and is governed by Copyright law. Downloading, uploading, or storing substantial parts of a copyrighted work without permission constitutes infringement.
ii. Attribution with appropriate credit to the copyright holder shall be noted as a citation.
iii. Hyperlinks shall be used as directional locaters of electronic material not licensed by Sonoran University, rather than posting of the actual material on Sonoran University websites.
iv. Collection and long-term storage of electronic material beyond personal use is prohibited.
v. Licensed materials shall not be placed on Sonoran University websites or social webpages for viewing or distribution.
vi. Multi-media material shall only be made for viewing in a classroom instructional setting unless written permission from the copyright holder is obtained,

d. Consequences of Infringement
i. Copyright infringement is a violation of this policy and can result in the imposition of discipline under the policies of the Student, Faculty and Employee Handbooks.
ii. Handbook Code of Conduct prevails.

e. Legal Penalties for Violation of Federal Copyright Laws
    i. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner of the Copyright Law.
    ii. In General — Except as otherwise provided by law, an infringer of copyright is liable for either —
        1. The copyright owner's actual damages and any additional profits of the infringer or
        2. Statutory damages of not less than $750 or more than $30,000.
        3. If a court finds that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than $150,000.

6. RESPONSIBILITY FOR IMPLEMENTATION

The Sonoran University Library shall be the primary consultant to seek assistance with Copyright law and permissions. Faculty shall have the responsibility to inform and educate students regarding Copyright Policy. Informational training sessions shall occur on a periodic basis.

The Information Technology department shall implement appropriate means to assist Sonoran University in remaining compliant with Copyright Law.

The Dean of Students shall oversee student consequences related to Student Code of Conduct violations.

7. RELATED POLICIES

Student Handbook
Code of Conduct
Faculty Handbook
Employee Handbook
Catalog
Social Media Policy
Intellectual Property Policy
IT Acceptable Use

8. RELATED POLICIES

Copyright Policy FAQ
Copyright Law, Title 17 of the United States Code, U. S. Copyright Office
Digital Millennium Copyright Act
Technology Education and Copyright Harmonization Act
Copyright Basics
Reproduction of Copyright Works by Educators and Librarians
Duration of Copyright
First Sale Doctrine
Copyright and Fair Use
US Copyright Office Fair Use Index
Public Domain – Non-legal Information on Wikipedia

9. NEXT REVIEW DATE

As necessary

10. POLICY OWNER

Sonoran University Library

11. VERSION CONTROL AND CHANGE HISTORY

Version	Approved by	Date Approved	Date Effective	Amendment Information
1	President's Council	7/23/14	7/23/14	
2	President's Council	5/24/17	5/24/17	
3	President's Council	5/27/20	5/27/20	
4	n/a	n/a	8/16/24	Branding Updates
5	N/A	N/A	3/13/26	Annual Review – No Edits