

## 6Hx19-1.29 COPYRIGHT COMPLIANCE

The purpose of this Board Rule is to establish Board policy regarding copyright compliance.

The College's students, faculty, administration, and staff are expected to comply with all laws regarding copyright and to act in good faith when using copyrighted materials.

The President shall establish procedures to ensure that the College's students, faculty, administration, and staff have a basic understanding and comply with:

1. The "Copyright Law", Public Law 94-553, amending Title 17 of the United States Code, effective January 1, 1978, which balances the interests of authors and artists with the interests of the user in having access to information;
2. The "Fair Use" exception (17 U.S.C. §107) consists of four standards which must be considered together on a case-by-case basis when using copyrighted materials without the permission of the copyright owner. These include:
  - a. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
  - b. the nature of the copyrighted work;
  - c. the amount and substantiality of the portion used in relation to the copyrighted work as a whole;
  - d. the effect of the use upon the potential market for or value of the copyrighted work
3. The "Digital Millennium Copyright Act (DMCA)" which prohibits the circumvention of software or other technological locks that give copyright holders the right to control access, print, download, copy, or further distribute their digital works; and
4. The "Technology, Education and Copyright Harmonization (TEACH) Act" which covers distance education as well as face-to-face teaching which has an online, hybrid, or broadcast component.

College employees are individually responsible for compliance with all copyright laws. College employees who willfully violate copyright laws may face fines, civil or criminal penalties, as well as disciplinary action by the College.

Rule Adopted: 4/21/86; 12/19/88; 10/21/97; 11/18/08; 11/20/18

Effective Date: 4/21/86; 12/19/88; 10/21/97; 11/18/08; 11/20/18

Legal Authority:

General Authority: Florida Statutes: 1001.64; 1001.65;

Other References: Florida Administrative Code: 6A14-0261

Law Implemented: Florida Statutes: 1001.64(1)(2)(4)(43)(44);  
1001.65(1)(16)(24); Title 17, United States Code, as amended  
by PL 94-553

Proposer: Timothy L. Beard, President