

Copyright Policy

Fact box

- **Policy owner:** Director of Library Services
- **Policy category:** Academic: Library
- **Policy status:** Approved
- **Approval body:** Executive
- **Endorsement body:** Executive
- **Last amended:** 20th Dec. 2022
- **Relevant HESF:**

Purpose

This policy outlines Alphacrucis University College's (AC) position on the use of third party and AC-owned copyright materials. The purpose of this policy is to:

- outline the proper use of copyright material at AC;
- ensure copyright compliance in both the academic and non-academic activities of the institution by ensuring that all students and staff are made aware of their obligations when using copyrighted materials in any format whether by copying, reproducing, communicating, playing, recording (video or audio) or performing;
- mandate compliance with copyright laws by all involved in ACs activities;
- minimise the risks that flow from copyright non-compliance, particularly the risks that flow from digital and online material use.

Scope

Whole of AC

Policy

Materials Subject to Copyright

Copyright protects the form in which an idea is expressed; it does not protect the actual ideas contained in a work. Copyright protection arises automatically as soon as a work is created and can be transferred or sold.

Materials that are subject to copyright include, but are not limited to:

- literary works and other works of text;
- data that is expressed in a unique or original way;
- dramatic and musical works;
- images;
- audio and audio-visual items;
- published editions of works;
- computer programs, other software or code

Policy Statement

AC, as both a creator and user of copyright material, is committed to ensuring that all staff, researchers, HDR candidates, students, and volunteers meet the legal obligations imposed by the Commonwealth Copyright Act 1968 (the Act) and all current copyright licence agreements to which AC is signatory.

General Principles and Obligations

AC aims to ensure:

- its educational, research and non-commercial activities are compliant with the provisions of the Act and other copyright licence agreements currently in force;
- legal use of third party copyright material to enhance its educational and research activities. AC does not condone the use of third party copyright materials that infringe copyright;
- staff, researchers, HDR candidates, students and volunteers comply with all applicable legal requirements pertaining to copyright and take appropriate action to minimise the risk of infringement whenever dealing with third party copyright material, for educational, research and or non-commercial purposes.

AC uses should:

- ensure that the use of any third party copyright material at AC for educational, research or non-commercial purposes, complies with the provisions of the Act, the statutory licences and other copyright agreements currently in force, and this policy;
- meet the moral rights provisions of the Act;
- not use AC equipment, facilities and services for purposes that infringe copyright;
- adhere to Copyright limitations on amounts of material that may be used.

Copying under the Statutory Licence

According to the terms of Part VB of the Act, and in compliance with the terms of the remuneration agreement between AC and CAL (Copyright Agency Limited), AC is licenced to carry out single and multiple copying (including digital copying) of some copyright material. The licence also covers administrative copying.

Subject to stipulated reproduction limits, the making of single or multiple print copies of a work is permitted, provided the copy is made by or on behalf of AC for the educational or administrative purposes of AC. The copy may not be sold at a profit.

Copying under the s200AB Flexible Dealing Exception

Section 200AB of the Copyright Act 1968 is an exception available for the purposes of maintaining or operating a library or archives, or for giving education instruction. The exception may be used provided [certain criteria](#) are met and allows certain people to use copyright material for socially beneficial purposes, without permission and without payment.

Copyright Repositories

AC has a central repository for digitised copyright materials required for student course work at AC. This repository is to be administered by the Director of Library Services or delegated representative.

The administration of other repositories used for storage of streamed teaching content are the responsibility of the Director of Digital Learning.

AC also has a research repository for research data and materials that can be accessed for faculty, HDR candidate and student research, as well as by the general public. This repository is administered by the Deputy Vice President Research and Standards. AC's Australasian Pentecostal Research Centre (APSC) stores physical and digital copyright materials required for the purposes of preservation and research of archival material. Materials that are out of copyright or covered by a copyright licence are made available in an online repository for research purposes.

Rights Management Information

Any information relating to the identification of the author, publisher or copyright owner which is on a publication of any type, including audio-visual material, should be preserved when the publication is reproduced by any means, either digitally or in hard copy, or when the publication is repackaged, recovered or otherwise presented. Rights management information may not be removed.

Circumvention Devices - Copyright Protection Measures

No member of the AC community is permitted to manufacture, market, advertise, sell, or supply devices intended to circumvent a manufacturer's protection measures on computer software (this is an offence under the Act), unless these acts are done for a permitted purpose. Permitted purposes include security testing, library activities, and activities assisting persons with a disability. Anyone contemplating any activity involving circumvention devices must first check with the Director of Library Services or delegated representative.

Copyright and the Internet

Copyright law applies to all Internet transactions. Apart from any fair dealing for individual use, any material found on the Internet should not be used for any other purpose without a licence or written permission from the copyright owner. A record of any such permission should be kept by the person receiving it, and a copy sent to the Director of Library Services or delegated representative. It should be noted that under the licence with the Copyright Agency Limited, it is possible to digitise materials for use for the teaching, research and administrative purposes of AC. The guidelines for such uses are not the same as for print copying.

Licences and Remuneration Agreements

The Director of Library Services or delegated representative is responsible for the coordination and administration of AC copyright policies and procedures ensuring AC's compliance with legislative and contractual requirements.

Responsible for implementation

Director of Library Services or delegated representative

Key stakeholders

All staff, HDR candidates and students

Procedures

Copyright Infringement Procedures

Teaching Materials

In the case of teaching materials, lecturers will request clearance to use copyright materials (third party copyright materials, print or digital) by completing the [Copyright Clearance Request Form](#) prior to material being made available for subjects or units in the Learning Management System (LMS). Once material is cleared for use, a FLEX link will be supplied for inclusion in the Moodle unit. (This link, provided by the Copyright Agency, automatically includes the required warning notice and tracks usage). These links to the material should then be provided within the LMS, in place of links to the material directly.

Links to copyrighted materials are to be used in preference to providing the material itself (e.g. link directly to an article in a database or on another website rather than uploading the article itself). Where an AC website contains a link to an external site, AC accepts no responsibility for the copyright compliance of such websites. Responsibility for ensuring availability of links to external sites lies with the subject or unit coordinator.

Any material that is transmitted in any other electronic format, including email, by or on behalf of lecturers, should also be accompanied by the appropriate copyright notice. See the Director of Library Services or delegated representative for the correct wording.

Copyright Infringement Procedures

Any breaches of Copyright by an AC or HETPA staff member, HDR candidate, student or volunteer should be reported to the Director of Library Services or delegated representative for action. Breaches and actions undertaken to rectify them will be recorded in the Copyright Compliance Register. Serious cases of infringement of Copyright Laws may be dealt with according to the Code of Conduct Policy.
