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Copyright & Intellectual Property Handbook For The Master's College Community

Adopted _____

Copyright & Intellectual Property Information For The Master's College Community

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I. Copyright Policy

1. Introduction

- 1.1 Copyright is one of four types of intellectual property governed by both Constitutional¹ and Federal Law². The others are patent³, trademark⁴ and trade secret. Copyright is important for students and educators to understand; trademark is important for Web designers because a work may not be a violation of copyright, it could be a violation of trademark.
- 1.2 The Constitution is intended to promote progress while at the same time ascribing limits of ownership. This provides a balance that gives authors, scholars and inventors the incentive to create while simultaneously giving society at large the ability to benefit from it intellectually.
- 1.3 The Copyright Law which was first enacted in 1790, revised in 1976, amended in 1998⁵ and again in 2002⁶ gives copyright owners the exclusive right to reproduction (duplication), distribution, derivation/adaptation, display, and public performance. The attempt to balance the rights of copyright owners and the needs of researchers is provided for in the various exemptions found in [Sections 107 through 121](#)⁷ of the Copyright Law. Of particular interest to this policy are the Educational Fair Use doctrine [17 U.S.C. Section 107](#)⁸ and the Face-to-Face Teaching exemption ([Sec. 110](#)⁹). These portions of the copyright law provide educators and researchers including students a defense for making reasonable use of copyrighted materials without having to first obtain permission from the copyright owner. See Copyright Basics below or visit the Library of Congress' [Copyright Basics](#)¹⁰ Web site for a more detailed explanation of the copyright law.

2. Definitions

- 2.1 "Faculty" means all individuals who have signed a faculty contract.
- 2.2 "Staff" means all individuals in graded or ungraded positions or on wage account status, whether full-time, part-time, or other status, receiving compensation from the college as employees, other than Faculty.
- 2.3 "Students" means all individuals associated with the institution in active student status as defined by formal registration, or on approved leave of absence status, whether full-time or part-time, whether or not holding a fellowship, a teaching assistantship, a research assistantship, or equivalent award, and whether or not receiving salary, wages, or a stipend.

¹ U.S. Constitution Copyright and Patent Law (U.S. Const., Art. I, §8, Cl. 8). "The Congress shall have power...to 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."

² For the text of the US Copyright Law [U.S. Code Title 17](#) go to: <<http://www.copyright.gov/title17/92chap1.html>>

³ For details on patent law see Resources for Copyright, Intellectual Property and Fair Use below.

⁴ Ibid.

⁵ The Sony Bono Copyright Term Extension Act and The Digital Copyright Millennium Act

⁶ The Technology, Education, and Copyright Harmonization Act (TEACH Act)

⁷ <http://www.copyright.gov/title17/92chap1.html>

⁸ <http://www.copyright.gov/title17/107>

⁹ <http://www.copyright.gov/title17/110>

¹⁰ <http://www.copyright.gov/circs/circ1.html>

Add relevant definitions from Title 17 §101: Derivative, Work for hire, Publication, audiovisual works, collective works, compilation, computer program, copies, copyright owner, created, digital transmission, display, fixed, joint work, literary works, motion pictures, perform, phonorecords, pictorial graphic and sculptural works, sound recordings, work of visual art

3. Scope and Coverage

- 3.1 This policy and its directives are issued in harmony with the overall mission of The Master's College to cultivate in its students an enduring commitment to Christ, the Word of God, moral integrity, intellectual growth and a life of lasting contribution to the kingdom of God. It is expected of every student, faculty member and staff person of The Master's College to honor God by adhering to this policy.
- 3.2 This policy is concerned with the legal use of copyrighted works by the faculty, staff and students, as well as, the ownership of works created by them while members of The Master's College community. The primary basis of this policy is the application of the fair use doctrine of the copyright law; yet it remains subject to applicable intellectual property laws.

4. Policy Directives

- 4.1 While The Master's College (TMC) is committed to complying with intellectual property laws, it also supports the pursuit of scholarship by educators and students which require the use of copyrighted materials and will permit their use to the fullest extent allowed under those laws. Whenever possible the college will avoid adopting policies or agreements that would restrict a well intentioned Fair-Use defense.
- 4.2 To that end The Master's College will inform and educate its faculty, staff and students concerning the Copyright Law. Informational resources will be developed and made available with special attention to the application of the four factors of the Fair Use Exemption as set forth in [17 U.S.C. Section 107](#)¹¹ and the exercise in good faith of that defense with regard to their teaching, research and service activities as members of The Master's College community. An explanation of the Fair Use Exemption is found below under section II. Copyright Basics.
- 4.3 To assist in ascertaining the eligibility of a copyrighted work for use under the Fair Use Exemption and to document a "good faith effort" the [Checklist for Fair Use](#)¹² ought to be used. This checklist applies the four factors of the fair-use provision of the copyright law as it is derived from judicial decisions interpreting copyright law. This checklist is designed to help educators and students evaluate copyrighted works to determine the applicability of the fair-use provision. It also provides a means of recording the decision-making process and establishes the "reasonable and good-faith" attempts to apply fair use. Individuals must act reasonably and in good faith when using the checklist to demonstrate that the cumulative "weight" of the factors either favors or opposes fair use.
- 4.4 Section 504 of the copyright law protects individuals from excessive monetary damages if infringement occurs, provided the individual is part of a nonprofit educational institution and believed s/he was acting with reasonable good faith within the parameters of fair-use (Copyright Infringement and Remedies, [17](#)

¹¹ <http://www.copyright.gov/title17/107>

¹²See Appendix B below or go to <http://www.masters.edu/DeptPageNew.asp?PageID=1757>

USCS § 504(c)(2)¹³. Using the Fair Use Checklist will serve as a proof that a reasonable good faith effort has been made.

- 4.5 Guidelines have been developed by numerous groups and private parties in an effort to provide what has been called a “safe harbor” from copyright infringement. These guidelines represent a consensus interpretation of a minimum application of fair use. However, these guidelines are not the law and when applied to the needs of higher education often restrict the application of the four fair use factors: Purpose, Nature, Amount and Market Effect more than the law itself permits. The Master's College will therefore rely on the law as its standard. Individuals desiring to utilize any of these guidelines are not prohibited from doing so but should realize that they may be abating the full extent of that which is allowed under the law with regard to their teaching and research.
- 4.6 Copying, distributing or performing copyrighted works including the downloading and uploading of information from the Internet may infringe the copyright for that information. Even an innocent, unintentional infringement violates the law. Both the individual requesting such services and the individual executing them may be liable for copyright infringement. Therefore, members of The Master's College community are prohibited from using copyrighted works in any way that is not defensible by specific exemptions in the copyright law, license agreements or written permission from copyright owners.
- 4.7 If TMC faculty, staff or students are determined to use copyrighted material and none of the allowable exemptions apply, permission must be obtained from the copyright owner.
- 4.8 Faculty and staff are expected to keep copies of permissions sought, denied or granted in perpetuity to defend against claims of infringement. It is strongly recommended that students do the same. [Sample permission letters](#)¹⁴ can be found below in Appendix A and on the library's web site. The Institutional Copyright Specialist¹⁵ is also available if additional help is needed.
- 4.9 Adequate records of permission requests, responses to permission requests and copies of license agreements should be kept by their respective signatories. Each department administrator is expected to negotiate license agreements with appropriate care, maintain files of all licenses, and develop procedures that will ensure compliance.
- 4.10 Although the copyright law permits fees and royalties to be passed on to the students receiving the documents, it is the policy of The Master's College that these costs not be passed on to the students. Whether payment of these fees will be the responsibility of the individual faculty member or the academic departmental budget is the decision of the chairman of each department.
- 4.11 As a further reminder to The Master's College community of the need for copyright compliance, the following statement will be placed on or near campus wide owned or operated equipment capable of making copies:

¹³ “17 USCS § 504. Remedies for infringement: Damages and profits ... (c) Statutory damages. (2) ... The court shall remit statutory damages in any case where an infringer believed and had reasonable grounds for believing that his or her use of the copyrighted work was a fair use under section 107, if the infringer was: (i) an employee or agent of a nonprofit educational institution, library, ... acting within the scope of his or her employment who, ... infringed by reproducing the work in copies or phonorecords; ...” The complete text can be viewed on page 20 of The Library of Congress Copyright Office Circular 21 <<http://www.copyright.gov/circs/circ21.pdf>>

¹⁴ <http://www.masters.edu/DeptPageNew.asp?PageID=1979>

¹⁵ Janet Tillman 661-362-2201.

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“Notice: The copyright law of the United States (Titles 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted materials. The person using this equipment is liable for any infringement.”

- 4.12 Faculty, staff and students who produce Web pages should also familiarize themselves with the Web Development Policy and be sure a good faith effort to comply with copyright and trademark laws can be demonstrated with regard to the production of their Web sites. See Appendix E Web Development Policy.
- 4.13 Compliance with the terms of this policy is a condition of employment for faculty and staff and for enrollment of students. TMC faculty, staff and students are responsible to ensure that they are abiding by the copyright laws that affect photocopying, printing, downloading, uploading or otherwise duplicating, distributing, displaying, adapting or performing copyrighted materials not their own. Members of the TMC community who willfully disregard the institution’s Copyright Policy do so at their own risk and assume all liability, including the possibility of disciplinary actions for copyright infringement.
- 4.14 Violations of copyright law that occur on or over TMC’s network, MasterNet or other computer resources may create liability for the computer user. For additional information regarding the institution’s position on computer use, see the [Media Ethics Policy](#)¹⁶ and the [Computer Services Usage Policy](#)¹⁷ which are printed below in their entirety in Appendixes C & D respectively.

Comment [jt1]: will be added upon receipt from Trevor

5. Faculty Training

- 5.1 Faculty will receive an electronic copy of this policy and will be notified where it can be found on The Master's College Web site.
- 5.2 Full-time faculty will be invited to attend a copyright training session held during the faculty fall workshop every five years with periodic sessions in the interim as needed to explore relevant issues and new developments.
- 5.3 New faculty will be presented with the same basic training during their New Faculty Orientation.
- 5.4 Part-time faculty will be invited to attend either the fall faculty training or the new faculty training.
- 5.5 This policy will be included in the faculty handbook.
- 5.6 Faculty should avail themselves of the following sources of additional information regarding copyright:
- 5.6a Copyright Basics (section II below)
 - 5.6b Resources (section III below)
 - 5.6c [Copyright: Finding the balance](#) - for a review of copyright basics at anytime use the PowerPoint presentation available on the library Web site under Research Guides & Tutorials.
 - 5.6d The library Web site also contains additional detailed information regarding the copyright law as it relates to academia for both faculty and students in the Research Guides entitled “[Copyright in the Classroom](#)” and “[Copyright: Exclusive Uses; Defensible Uses](#)”.
 - 5.6e Consult the Institutional Copyright Specialist: Janet Tillman 661-362-2201, jtillman@masters.edu.

¹⁶ Pages 61-64 of the Student Handbook <http://www.masters.edu/CampusLife/Handbook/Handbook.pdf>

¹⁷ <http://www.masters.edu/DeptPageNew.asp?PageID=537>

- 5.7 For additional information and guidance on copyright law, The Master's College personnel should read this policy in its entirety, visit TMC's Copyright in the Classroom Research Guide or contact the Institutional Copyright Specialist.

6. Ownership and Disposition of Copyrightable Material

- 6.1 Copyright ownership of work produced by college faculty outside the scope of their teaching and service activities with and for the college shall belong to the author except where substantial use of institutional resources is made in the production or creation of said work, in which case ownership shall belong independently to both the faculty member and the college.
- 6.2 In any case in which the college intends to use a faculty member's work for significant revenue producing purposes (e.g., videotaped lectures for distributed education courses), the college will make a good faith effort to develop a fee-for-use agreement that will ensure the faculty member will receive some continuing financial payment.
- 6.3 Copyright ownership of work produced by the staff, including students employed as staff of The Master's College at the request of their employers or for the purpose of their employment with the college, shall belong to the college.
- 6.4 Copyright ownership of work produced by students of The Master's College as part of their educational program requirements, exclusive of work produced in the capacity of employment with the college, shall belong to the author. However, TMC retains the right under the principles of educational fair use to retain a private copy of a student's work for the purposes of institutional assessment.

7. Student Use of Copyrighted Materials for Class Projects

- 7.1 The copyright law does not specifically address student use of copyrighted works. However, the Senate Report accompanying the Copyright Revision Act of 1976 identifies "special uses" by students:
- "There are certain classroom uses which, because of their special nature, would not be considered an infringement in the ordinary case. For example, copying of extracts by pupils as exercises in a shorthand or typing class or for foreign language study . . . Likewise, a single reproduction of excerpts from a copyrighted work by a student calligrapher . . . in a learning situation would be a fair use of the copyrighted work." ([Senate Report No. 94-473](#))
- 7.2 Based upon that statement, a consensus has developed in higher education that students may duplicate copyrighted works as a learning exercise. This suggests that students may integrate all types of materials into sound/slide, film, or television productions and other multimedia products.
- 7.3 Programs made under this exemption may be submitted to the teacher for a grade and may be shown to the other students in the class, including distance learning transmission over the college's secure electronic network in real time as well as for after-class review or directed self-study. However, the paper or product will remain the property of the student. It may not be shown, transmitted, or broadcast outside the institution and no copies may be sold or given away.
- 7.4 Students may perform and display their own educational multimedia projects created under Section 2 of the Fair Use Guidelines for educational uses in the course for which they were created and may use them

in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.

- 7.5 Students who wish to make copies beyond these narrow constraints, or who wish to make additional uses of their student projects, must get permission for all elements used.
- 7.6 Students should also be familiar with TMC's Media Ethics Policy reprinted below as Appendix C and the Computer Services Usage Policy in Appendix D. These are also available on The Master's College Web site at <http://www.masters.edu/CampusLife/Handbook/Handbook.pdf> (pp. 61-64) and <http://www.masters.edu/DeptPageNew.asp?PageID=537> respectively.
- 7.7 Students who fail to comply with TMC's intellectual property policies will face appropriate disciplinary action which may include expulsion.
- 7.8 Students will find additional information about copyright in "[Copyright in the Classroom](#)" and "[Copyright: Exclusive Uses; Defensible Uses](#)" on the Library's Web site under Research Guides & Tutorials.

8. Institutional Copyright Specialist

- 8.1 The Institutional Copyright Specialist may be consulted for assistance in the specific application of this policy. However, it must be noted that The Institutional Copyright Specialist (ICS) is not legal counsel to the institution or to any member of The Master's College community. Attorneys should be consulted where legal advice is needed.
- 8.2 It is the responsibility of the Institutional Copyright Specialist to...
 - 8.2a ...serve as a resource and provide assistance with regard to questions concerning copyright law and institutional policy;
 - 8.2b ...monitor trends and developments related to copyright law that impact TMC, its students and faculty;
 - 8.2c ...identify areas in which policy development is needed and recommend to the academic dean new or revised institutional policies and guidelines;
 - 8.2d ...identify educational needs of the faculty and others related to compliance with copyright policies and guidelines, and advise on appropriate ways to address those needs;
 - 8.2e ...develop and implement training programs for faculty periodically, as set forth in this document;
 - 8.2f ...propose institutional policies and guidelines regarding ownership and use of copyrighted or licensed scholarly works.
- 8.3 ICS contact information:

Miss Janet L. Tillman, MLS
 Reference Librarian/Institutional Copyright Specialist
 The Master's College
 21726 Placerita Canyon Rd.
 Santa Clarita CA 91321
 800-568-6248
 t: 661-362-2201
 f: 661.362-2719
jtillman@masters.edu

9. The Digital Millennium Copyright Act Designated Agent

9.1 In compliance with the [Digital Millennium Copyright Act](#)¹⁸ (DMCA) a [Designated Agent](#)¹⁹ has been established with proper [documentation](#)²⁰ sent to the US Copyright Office. The following [statement of compliance](#) is posted on the Master's College Web site accessible to the public:

Statement

TMC complies with the provisions of the Digital Millennium Copyright Act (DMCA). If you have a concern regarding the use of copyrighted material on any site on the masters.edu network, please contact the agent designated to respond to reports alleging copyright infringement.

Designated Agent

The designated agent for the TMC campus to receive notification of claimed infringement under Title II of the DMCA is:

Nate Prince
Director of Internet Services
The Master's College Computer Information Systems
<http://www.masters.edu>
nprince@masters.edu
The Master's College
21726 Placerita Cnyn. Rd.
Santa Clarita CA 91321
661.362.2200

Claims

The DMCA specifies that all infringement claims must be in writing (either electronic mail or paper letter) and must include the following:

- A physical or electronic signature of the copyright holder or a person authorized to act on his or her behalf;
- A description of the copyrighted work claimed to have been infringed and multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- A description of the material that is claimed to be infringing or to be the subject of infringing activity, and information reasonably sufficient to permit the service provider to locate the material;
- Information reasonably sufficient to permit the service provider to contact you, such as an address, telephone number, and, if available, an electronic mail address;
- A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and

A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

¹⁸ <http://www.loc.gov/copyright/legislation/dmca.pdf>

¹⁹ <http://www.copyright.gov/onlinesp/>

²⁰ S:\Common\Staff_Public\Library\COPYRIGHT\Designated Agent.pdf

II. Copyright Basics

Section 106 of the Copyright Act gives the owner of copyrighted works the exclusive right to reproduce copies, prepare derivatives, distribute copies, publicly perform/display their work and to authorize others to do the same. It is not essential for a work to be published to be protected by the copyright law and simply owning a copyrighted work does not give the possessor the right to copy it. However, these rights are not absolute. Sections 107 through 121²¹ of the copyright law establish exemptions to these rights.

As of March 1, 1989 a work is copyrighted the instant it becomes tangible and usually the creator is the initial copyright owner. Under prescribed circumstances, the person or organization who hired the creator has copyright ownership (Sec 101 Work for Hire²²) and copyright ownership can be transferred to another person or organization. If the creator has sold the entire copyright, the purchasing business or person becomes the copyright owner.

It is no longer necessary to register with the copyright office. However, a work should be filed in order to give the copyright owner a stronger case in court if someone infringes the copyright owner's work. A copyright notice is also not necessary but a good idea because it discourages infringement, forestalls a claimant's argument that s/he didn't know it was copyrighted and it makes it easier to track down the owner to get permission to use it.

The proper form for notice of copyright is the word "Copyright" the date(s) and the author or owner's name. The use of the © may be used instead of the word "Copyright" and for sound recordings regardless of format use the ®. A more emphatic statement such as "no part of this work may be reproduced in any format or by any means..." is often used but has no legal merit. The only thing it might do is act as a deterrent to infringers. Although some foreign countries still require the phrase "All Rights Reserved", it is not necessary in the U.S. or signatories of the Berne Convention. The proper forms for a copyright notice are:

- Copyright [date] by [author/owner]
- © [date] by [author/owner]
- ®[date] by [author/owner] (phonorecords)

For additional information on the Berne Convention and other international copyright laws, see TMC's Copyright Policy section 11, International Copyright or see The Library of Congress Copyright Office Circular 38a, International Copyright Relations of the United States at <http://www.copyright.gov/circs/circ38a.pdf>.

The location of the copyright notice is legally defined as "in such manner and location as to give reasonable notice of the claim of copyright". In other words, it needs to be noticeable—not hidden away in the fine print.

Licenses and contracts always supersede copyright. Online Indexes and databases have very explicit licensing agreements because much of the data is public domain and it's the only way they have of protecting their market. As an innocent third party, unless you have clicked or signed one, you are not responsible for adhering to the license agreement signed by another party.

²¹ <http://www.copyright.gov/title17/92chap1.html>

²² <http://www.copyright.gov/circs/wccc>

Fair Use Exemption

The text of the fair use exemption taken from the United States Code, Title 17, Section 107 reads as follows:

“Notwithstanding the provisions of sections 106 [[Exclusive rights in copyrighted works](#)²³] and 106A [[Rights of certain authors to attribution and integrity](#)], the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified in that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.”

This statute is deliberately flexible with no exact delineation of what is or is not fair use. It was never intended to provide specific answers to specific situations. Individuals must determine how these factors weigh in each situation because among many other reasons not all educational use falls within fair use and not all commercial use falls outside fair use.

All four factors work together along with other possible circumstances in determining the applicability of fair use. Though the weight given to each of the four factors will vary with each instance, a reasonable and good faith application of the four factors must be demonstrated to protect oneself against liability.

Case law has provided and will continue to provide examples of how the four factors are applied to specific situations. Applicable court rulings should be consulted for guidance in exercising the fair use exemption. See “[Current Legislation & Case Law](#)” from [Copyright in the Classroom](#) on the Library’s Web site for more details.

The following are some examples of what the courts thus far have defined as favorable or unfavorable applications of the Four Fair Use Factors:

Purpose “and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.” Nonprofit, educational uses are favored over commercial uses. Transformative works are favored over reproductions. That is to say, a work is transformed into something new or is used for something other than that for which it was originally created.

Nature “of the copyrighted work refers to the characteristics, qualities and attributes of the work.” For example a work of nonfiction is favored over fiction or more creative works; textbooks are favored over motion pictures or software programs whereas consumable works like workbooks are not favorable to fair use. An “unfavorable” use does not automatically mean the work cannot be used. This is only one factor that is weighted on the negative side. The other three factors must be considered as well.

Amount “and substantiality of the portion used in relation to the copyrighted work as a whole.” This incorporates both the quantity and the quality of material being duplicated. Exact measures, word counts

²³ <http://www.copyright.gov/title17/92chap1.html#106>

and percentages do not exist in the fair use law. Quantity is evaluated relative to the length of the entire original work and the amount needed to serve the objective. It is also viewed in light of the “nature” of the work. For instance, whole articles and entire pictures are not favorable to fair use. On the other hand, small portions may not be favorable if they are “the heart of the work”, for example the most creative clip from a motion picture (e.g. the Ben Hur chariot race, Lucy in the chocolate factory, etc.). Also, each item in an anthology or collected works is subject individually to fair use scrutiny.

Effect “...upon the potential market for or value of the copyrighted work.” Some courts consider this the most important factor and this factor can tip the scale when the others are too close to call. Reproduction in order to avoid purchasing the work is not fair use. Significant adverse market effect is unfavorable to fair use. The effect factor is directly linked to the purpose factor so that when used in research or scholarship the concept of market harm can be difficult to prove unless the material is marketed to the academic community.

Although one *can* with great ease reproduce tangible expressions of an idea whether print, audio, visual or digital, it does not follow that one *may* do so legally. Despite the copyright law’s lack of specific references to the duplication of digital materials, copyright issues arise when protected materials are digitized for easy electronic access, when persons print or download electronic materials; when digitized materials are performed or displayed at terminals, when derivative works are created from the reformatting of analog to digital. Nevertheless the copyright law has an inherent flexibility that enables an application to unforeseen needs.

The following applications of the four fair use factors have been extrapolated for the purpose of strengthening the defensive position of a nonprofit educational use. TMC faculty, staff and students may want to consider applying these when loading text or other materials onto websites or other electronic systems.

As regards Purpose: Restrict access to specific course related materials by password only to students enrolled in a course;

As regards Nature: as often as possible nonfiction (scientific, fact-based) works should be used over fiction and highly creative works (art, music, movies);

As regards Amount: limit to that which is necessary for, important to and appropriate for the educational purpose;

As regards market effect: limit access to the MasterNet system to those with authorized passwords only; individual course related materials placed on the MasterNet system should be limited to one semester; the use of commercial monographs should be the exception. Also the market effect might be reduced by using only news or academic works and by using materials not easily available for purchase.

Face-to-Face Teaching Exemption

In addition to the Fair Use exemption, of importance to those who teach in a professional capacity is the Face-to-Face Teaching exemption. In summary this exemption allows for legally reproduced work (e.g., articles, small portions of books, short video clips) to be used in a classroom or similar place devoted to instruction in the course of face-to-face teaching activities of a nonprofit educational institution. The exemption applies as long as there is no direct or indirect admission charge, it is a regular part of the instructional activities and it is directly related to the teaching content. This exemption does not negate the option to apply the fair use

exemption. 17 USCS § 110. *Limitations on exclusive rights: Exemption of certain performances and displays* can be viewed in its entirety at <<http://www.copyright.gov/title17/92chap1.html#110>>

Requesting Permission to Use Copyrighted Works

If copyrighted material is going to be used, permission must be obtained when none of the exemptions apply. Letters or email requests should be sent to the Material Permissions Department of the copyright holder. The copyright owner is often the publisher not necessarily the author.

Permission is frequently given but often involves fees and royalties. In some cases royalty or copyright fees are paid to agencies such as Copyright Clearance Center, ASCAP, BMI, Motion Picture Licensing Corporation, etc.

A letter requesting permission should include (1) a self-addressed, stamped envelope, (2) a designated place for the copyright owner to date, sign, and grant/deny permission and (3) two copies so that the copyright owner can keep one and return the other signed copy in the SASE.

[Sample letters](#) are available in Appendix A below and on the library's Web site.

Whether writing a letter or sending an email message, the following information should be provided:

- Author's, editor's, translator's full name(s)
- Title, edition, and volume number of book or journal
- Copyright date
- ISBN/ISSN
- Inclusive page number, figures, and illustrations
- Exact chapter(s) and page numbers
- Number of copies to be made
- Whether material will be used alone or combined with other duplicated materials
- Name of college
- Course name and number
- Semester and year in which materials will be used. It may need to be obtained for every semester the work is used since there is no once for all permission.
- Instructor's full name

When a work passes into the public domain, it is no longer protected under the copyright law and permission is not needed. Additional information about materials in the public domain can be found below and in the Library Research Guide entitled "[Copyright in the Classroom](#)".

The Library of Congress Copyright Office (LOC) [Circular 22](#)²⁴ describes how to investigate the copyright status of a work and will perform a search for a fee. Individuals may perform searches themselves by using the LOC database "Search Copyright Records: Registrations and Documents" located at this Web address <http://www.copyright.gov/records/>.

The Copyright Clearance Center <http://www.copyright.com/> will also for a fee check the status of a work. Other search firms include:

-Copyright Council, 2121 Crystal Dr., Ste. 704, Arlington, VA 22202; 703-521-1669

²⁴ <http://www.copyright.gov/circs/circ22.html#general>

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-Government Liaison Services, Inc., 3030 Clarendon Blvd., Ste. 209, Arlington, VA 22201; 800-642-6564 or 703-524-8200

-Thomson & Thomson, Copyright Research Group, 500 E St., SW, Ste 970, Washington, DC 20024; 800-356-8630

-XL Corporate Services, 62 White St., New York, NY 10013; 800-221-2972 or 212-431-5000

Another source for checking copyright is The Ransom Center at the University of Texas at Austin which houses the WATCH database of Writers, Authors and Their Copyright Holders (<http://tyler.hrc.utexas.edu/>). The WATCH file is a database containing primarily the names and addresses of copyright holders or contact persons for authors and artists whose archives are housed, in whole or in part, in libraries and archives in North America and the United Kingdom.

International Copyright

There is no "International Copyright" per se; however, the Berne Convention, the General Agreement on Tariffs and Trade treaty (GATT) and other international treaties allow authors to enforce their copyrights in signatory countries. These include most industrialized nations.

In addition, the [World Intellectual Property Organization](http://www.wipo.int/about-wipo/en/) (WIPO) is an international organization dedicated to promoting the use and protection of intellectual property. WIPO administers 23 international treaties dealing with different aspects of intellectual property protection. Additional information about WIPO can be found at their Web site: <http://www.wipo.int/about-wipo/en/>.

Apart from these treaties protection against unauthorized use in a particular country depends on the national laws of that country.

For further information on international copyright protection and a list of countries that maintain copyright relations with the United States, see United States Copyright Office's [Circular 38a](#), "International Copyright Relations of the United States".²⁵

Additional information regarding [International Copyright](#) can be found on the library's Web site under [Research Guides & Tutorials](#).

PUBLIC DOMAIN

The following categories of publications are not protected by copyright law because they are in the public domain that is they may be used freely by anyone:

- U. S. publications more than 75 years old.
- Works published in the U.S. before 1922.
- Works published in the U. S. that a) were first published before January 1, 1978 and b) do not include a copyright notice.

²⁵ <http://www.copyright.gov/circs/circ38a.pdf>

- United States government documents issued by the Superintendent of Documents.
- Works published outside the U.S. before July 1, 1909.

All copyrighted and patented works eventually end up in the public domain. Once a work has entered the public domain it is no longer eligible for copyright protection.

A chart created by Lolly Gassaway and reproduced below (by permission) is also useful in identifying when certain materials published in the United States have been or will be placed in the public domain.

WHEN U.S. WORKS PASS INTO THE PUBLIC DOMAIN*

DATE OF WORK	PROTECTED FROM	TERM
Created 1-1-78 or after	When work is fixed in tangible medium of expression	Life + 70 years ¹ (or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation ²)
Published before 1923	In public domain	None
Published from 1923 - 63	When published with notice ³	28 years + could be renewed for 47 years, now extended by 20 years for a total renewal of 67 years. If not so renewed, now in public domain
Published from 1964 - 77	When published with notice	28 years for first term; now automatic extension of 67 years for second term
Created before 1-1-78 but not published	1-1-78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12-31-2002, whichever is greater
Created before 1-1-78 but published between then and 12-31-2002	1-1-78, the effective date of the 1976 Act which eliminated common law copyright	Life + 70 years or 12-31-2047 whichever is greater

¹ Term of joint works is measured by life of the longest-lived author.

² Works for hire, anonymous and pseudonymous works also have this term. 17 U.S.C. § 302(c).

³ Under the 1909 Act, works published without notice went into the public domain upon publication. Works published without notice between 1-1-78 and 3-1-89, effective date of the Berne Convention Implementation Act, retained copyright only if efforts to correct the accidental omission of notice was made within five years, such as by placing notice on unsold copies. 17 U.S.C. § 405. (Notes courtesy of Professor Tom Field, Franklin Pierce Law Center and Lolly Gasaway)

*This chart may be freely duplicated or linked to for nonprofit purposes. No permission needed. Please include web address on all reproductions of chart so recipients know where to find any updates. <http://www.unc.edu/~uncclng/public-d.htm>

Limited Public Domain

Occasionally, authors will offer the right to duplicate their work and in essence put their copyrighted material in the public domain or make “some rights available” without the need for permission. This is only valid when there is an explicit statement authorizing duplication. This authorization may be limited to some degree for instance for educational purposes only.

Here is an example of a copyright statement that partially releases a work to the public domain:

3/11/2014

© Janet Tillman/The Master's College, 2004, permission is granted for non-profit educational use; any reproduction or modification should include this statement.

For copyright owners who wish to relinquish some of their rights but not all of them [Creative Commons](http://creativecommons.org) can help. Creative Commons <<http://creativecommons.org>> is a nonprofit organization that arranges "some rights reserved" licenses.

Here is an example of a copyright statement that includes a Creative Commons "some rights reserved" license:



© 2004 Peter B. Hirtle. Use of this chart is governed by the Creative Commons [Attribution-NonCommercial License](http://creativecommons.org/licenses/by-nc/4.0/). In addition, permission is granted for non-profit educational use, including but not limited to reserves and coursepacks made by for-profit copyshops.

For additional information on copyright terms and public domain for unpublished works, works published in the U.S. and works published outside the U.S. see the chart produced by the [Cornel Copyright Information Center](http://copyright.cornell.edu/) entitled "[Copyright Term and the Public Domain in the United States](http://copyright.cornell.edu/)".

III. Resources

Copyright Law Web Sites

- US Copyright Office: <http://www.loc.gov/copyright/>
- LOC Circulars and Form Letters: <http://lcweb.loc.gov/copyright/circls/>
- The full text of the Digital Millennium Copyright Act: <http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.2281.ENR:>
- TEACH Act: <http://www.copyright.gov/legislation/pl107-273.html#13301>
- Legal Information Institute: <http://www.law.cornell.edu/>

Books on Copyright Law

- 101 Questions About Copyright Law / Andrew Alpern. Mineola (NY): Dover Publications, 1999. [R/346.7304/AL74o/1999]
- Copyright Essentials for Librarians and Educators / Kenneth D. Crews. Chicago: American Library Association, 2000. [R/346.7304/C867c/2000]
- The Copyright Handbook: How to Protect and Use Written Works / Stephen Fishman. 5th ed. Berkeley: Nolo, 2000. [R/346.7304/F539c/2000]
- The Copyright Primer for Librarians and Educators / Janis H. Bruwelheide. 2nd ed. Chicago: American Library Association; Washington, D.C.: National Education Association, 1995. [R/346.0482/B839c/1995]
- Getting Permission: How to License & Clear Copyrighted Materials Online & Off / Richard Stim. Berkeley: Nolo, 2001. [R/346.7304/St54g/2001]
- Libraries and Copyright: A Guide to Copyright Law in the 1990's / Laura N. Gasaway and Sarah K. Wiant. Washington, D.C.: Special Libraries Association, 1994. [R/346.0482/G21L/1994]
- The Library's Legal Answer Book / Mary Minow and Tomas A Lipinski. Chicago: American Library Association, 2003. [R/344.73/M666L/2003]
- Multimedia Law and Business Handbook / J. Dianne Brinson and Mark F. Radcliffe. Menlo Park (CA): Ladera Press, 1996. [R/346.0482/B772m/1996]
- Patent, Copyright & Trademark / Stephen Elias. Berkeley: Nolo Press, 1997. [R/346.0482/EL42p/1997]
- Technology and Copyright Law: a Guidebook for the Library, Research, and Teaching Professions / Arlene Bielefeld and Lawrence Cheeseman. New York: Neal-Schuman Publishers, 1999. [R/346.7304/B476t/1999]

Online Copyright Tutorials

- NCSU Copyright Tutorial: <http://www.lib.ncsu.edu/scc/tutorial/main.html>
- Crash Course in Copyright: <http://www.utsystem.edu/ogc/intellectualproperty/cprindx.htm>
- Copyright Primer: <http://www.umuc.edu/cgi-bin/cgiwrap/primer/primerwrap.cgi/enter.php#>
- Copyright: Finding the balance: S:\Common\Staff_Public\Library\Copyright\Finding the Balance
- CopyOwn-Tutorial: <http://www.inform.umd.edu/copyown/tutorial/>

Additional Copyright Resources

- What Every Teacher Should Know about copyright: <http://www.2learn.ca/copyright/locate>
- [UCLA Policy 964: Online Copyright Infringement Liability Limitation](#)
- Copyright Clearance Center: <http://www.copyright.com/>
- Copyright Management Center: <http://copyright.iupui.edu/>
- Stanford University Libraries Copyright and Fair Use: <http://fairuse.stanford.edu/>
- UCLA Cyberspace: <http://www.gseis.ucla.edu/iclp/dmcaI.htm>

- CETUS: Fair Use of Copyrighted Works: <http://www.cetus.org/fairindex.html>
- New Copyright Law for Distance Education: <http://www.ala.org/washoff/teach.html>
- TEACH Act Toolkit: <http://www.lib.ncsu.edu/scc/legislative/teachkit/resources.html>
- The TEACH Act finally becomes law: <http://www.utsystem.edu/ogc/intellectualproperty/teachact.htm>
- WATCH: Writers, Authors and Their Copyright Holders: <http://tyler.hrc.utexas.edu/>

Multimedia & Technology

- Intellectual Property & Technology Forum: http://www.bc.edu/bc_org/avp/law/st_org/iptf/
- An Intellectual Property Law Primer for Multimedia and Web Developers: <http://www.eff.org/CAF/law/multimedia-handbook> Legal Information for Internet Professionals: <http://www.gigalaw.com/>
- Multimedia Law and Business Handbook / J. Dianne Brinson and Mark F. Radcliffe. Menlo Park (CA): Ladera Press, 1996. [R/346.0482/B772m/1996]

Trademark Law

- United States Patent and Trademark Office: <http://www.uspto.gov/web/offices/tac/tmlaw2.html>

Information about U.S. Trademark Law

- Trademark Law Overview, Legal Information Institute: <http://www.law.cornell.edu/topics/trademark.html>
- BitLaw - A Resource on Technology Law: <http://www.bitlaw.com/trademark/index.html>
- Primer on Trademark and Internet Addresses: <http://www.loundy.com/JMLS-Trademark.html>
- Overview of Trademark Law: <http://cyber.law.harvard.edu/metaschool/fisher/domain/tm.htm>

International Trademark Law

- International Trademark Association: <http://www.inta.org/>
- International Trademark Law Treaty: <http://www.wipo.org/treaties/ip/tlt/index.html>

Patent Law

- U.S. Patent Law, U.S. Patent and Trademark Office: http://www.uspto.gov/web/offices/pac/mpep/consolidated_laws.pdf
- U.S. Patent Rules, U.S. Patent and Trademark Office: http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf

Information about U.S. Patent Law

- U.S. Supreme Court Patent Decisions, Legal Information Institute: <http://supct.law.cornell.edu/supct/cases/patent.htm>
- Overview of Patent Law, Legal Information Institute: <http://www.law.cornell.edu/topics/patent.html>
- BitLaw - A Resource on Technology Law: <http://www.bitlaw.com/patent>
- Patent Law at MIT: <http://www.mit.edu:8001/courses/6.901/patent.html>

International Patent Law

- Patent Law Treaty: <http://www.wipo.int/treaties/ip/plt/index.html>

Appendix A

Sample Permission Letter I

The request should be sent, together with a self-addressed return envelope, to the permissions department of the publisher in question.

Permissions Department
[Publisher]
[Address]

Dear Permissions Editor:

I am requesting permission to copy the following for continued use in my classes in the all semester of 2002 for [course name and number]:

Title:

Copyright:

Author:

Material to be duplicated: [chapters, page numbers; volume; issue number]

Number of copies:

Distribution: The material will be distributed to students in my classes and they will pay only the cost of the photocopying.

Type of reprint: [photocopy, computer disc, electronic reserve, html, pdf]

Use: The chapters/pages will be used as supplementary teaching materials.

If you do not solely control copyright in the requested materials, I would appreciate any information you can provide about others to whom I should write, including most recent addresses if available.

I have enclosed a self-addressed envelope for your convenience in replying to this request.

<p>Sincerely,</p> <p>[Signature] [Address] [date]</p>	<ul style="list-style-type: none"> • Please initial any statement that applies: <ul style="list-style-type: none"> ○ I hereby represent that I have the authority to grant the permission requested herein. ○ I am the sole owner/author of the work. <p>Company Signature _____</p> <p>Name of authorized signatory _____</p> <p>Title _____</p> <p>Company _____</p> <p>Date _____</p>
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3/11/2014

Sample Permission Letter II

Material Permissions Department
Hypothetical Book Company
100 Main Street
Chicago IL 60601

To Whom It May Concern:

I am requesting permission to copy the following for continued use in my classes in the all semester of 2002 for [course name and number]:

Title:

Copyright:

Author:

Material to be duplicated: [chapters, page numbers; volume; issue number]

Number of copies:

Distribution: The material will be distributed to students in my classes and they will pay only the cost of the photocopying.

Type of reprint: [photocopy, computer disc, electronic reserve, html, pdf]

Use: The chapters/pages will be used as supplementary teaching materials.

I have enclosed a self-addressed envelope for your convenience in replying to this request.

Sincerely,

Faculty Member

Sample Permission Letter III

Material Permissions Department
Hypothetical Book Company
100 Main Street
Chicago IL 60601

To Whom it May Concern:

I am writing to obtain permission to use the following material:

Nature of materials: _____ [describe]

Publisher: _____ Date of publication: _____

Author(s): _____

Page numbers or other description of material: _____

(Check if applicable)

A photocopy of the materials in enclosed.

I wish to use this material in the following work:

Author(s): _____

Title: _____

Publisher: _____ Proposed date of publication: _____

I am requesting nonexclusive rights to use this material as part of my work and in all future editions and revisions thereof, however they may be exploited, in any language or medium now known or hereafter discovered, including, but not limited to: print, microfilm and electronic media.

Unless you specify otherwise, the material will be accompanied on publication by the following credit line and copyright notice: _____ [specify credit line and copyright notice]

Other conditions, if any: _____

If you do not control the world rights to the request material, please specify here any additional source from whom permission must be obtained: _____

Thank you for your prompt consideration of this request. For your convenience, a release form is provided below and a signed copy of this letter is enclosed for your files.

Very truly yours,

[Your signature]

Permission is granted for the use requested above.

[Signature]

[Specify name and title, if any]

[Date]

Appendix B
CHECKLIST FOR FAIR USE

Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project

Name: _____ Date: _____

Institution: _____ Project: _____

PURPOSE

<i>Favoring Fair Use</i>	<i>Opposing Fair use</i>
<input type="checkbox"/> Teaching (including multiple copies for classroom use) <input type="checkbox"/> Research & Scholarship <input type="checkbox"/> Nonprofit Educational Institution <input type="checkbox"/> Criticism & Comment <input type="checkbox"/> Personal <input type="checkbox"/> News reporting <input type="checkbox"/> Transformative or Productive use (changes the work for new utility) <input type="checkbox"/> Restricted access (to students or other appropriate group) <input type="checkbox"/> Parody	<input type="checkbox"/> Commercial activity <input type="checkbox"/> Profiting from the use <input type="checkbox"/> Entertainment <input type="checkbox"/> Bad-faith behavior <input type="checkbox"/> Denying credit to original author

NATURE

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Published work <input type="checkbox"/> Factual or nonfiction based <input type="checkbox"/> Important to favored educational objectives	<input type="checkbox"/> Unpublished work <input type="checkbox"/> Creative work (art, music, novels, films, plays) <input type="checkbox"/> Fiction

AMOUNT

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Small quantity <input type="checkbox"/> Portion used is not central or significant to entire work <input type="checkbox"/> Amount is appropriate for favored educational purpose	<input type="checkbox"/> Large portion or whole work used <input type="checkbox"/> Portion used is central to work or "heart of the work"

MARKET EFFECT

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> User owns lawfully acquired or purchased copy of original work <input type="checkbox"/> One or few copies made <input type="checkbox"/> No significant effect on the market or potential market for copyright holder <input type="checkbox"/> No similar product marketed by the copyright holder <input type="checkbox"/> Lack of licensing mechanism	<input type="checkbox"/> Could replace sale of copyrighted work <input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative <input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work <input type="checkbox"/> Affordable permission available for using work <input type="checkbox"/> Numerous copies made <input type="checkbox"/> Work is made available to the world <input type="checkbox"/> Repeated or long-term use

Taken from the Copyright Management Center at Indiana University located on the campus of IUPUI
<http://copyright.iupui.edu/checklist.htm>

Appendix C
Media Ethics Policy Statement

July 1, 2003 Ver. 1.0

I. Philosophy

Learning to grow in the grace and knowledge of the Lord Jesus Christ is the mission of Christian higher education. We want to educate the heart as well as the mind, desiring to maintain an atmosphere that will be conducive to the development of spiritual maturity and discernment. Because each student coming to The Master's College professes faith in Jesus Christ, we expect students to grow in that faith through the work of the Holy Spirit.

The Master's College is committed to developing its students into people who obey biblical mandates because they are personally accountable to God and His Word rather than to man alone. College policies are designed by the administration to facilitate an educational environment which honors the Lord.

The student, by virtue of their signature on the application for admission, agrees to live within the framework of the standards of the college both on and off campus while each semester is in session. Though one's personal convictions may differ with these standards, a student's choice to become a part of The Master's College community implies a commitment to abide by the established policies.

God calls all believers to submit to the governing authorities (this includes federal, state, and/or local governments and their respective legislation). Romans 13 directs, "Let every person be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God...render to all what is due them: tax to whom tax is due; custom to whom custom; fear to whom fear; honor to whom honor" (vv. 1, 7). Current laws governing the use of technology require students to honor these laws as a mandate regardless of personal opinion. Students who are in violation of such laws will face the consequences of campus discipline, as well as, legal liability.

II. Definitions

- A. **Electronic Media** – Any electronic medium including, but not limited to: email text, chat, email attachments, gaming, Web page viewing, video files, audio files, or computer/program files.
- B. **TMC Network** – Any TMC computer, server, software, program, facility or the hardware/equipment involved in the interconnection and interoperation of these items, or any said device connected to any such device at TMC (for example, any laptop/PC connected to the TMC wired/wireless network).
- C. **Hacking** – Defined as attempting to gain unauthorized access to systems, networks, or data – this includes any unauthorized attempt to incapacitate, interrupt, view, alter, copy or delete systems, networks or data.
- D. **"Video"** – Defined as watching audio/visual content (or files of such) via PC, VCR, DVD player, television, or any other equipment.
- E. **"Foreign" Media** – Defined as data, images, programs, games, viruses, etc. which did not originally reside on the TMC network.

III. Guidelines

Any "unwholesome" [i.e. actions inconsistent with our profession as Christ's followers committed to holiness, truth, and the proper stewardship of His blessings (possessions, time, etc.)] use of Electronic Media which may include, but is not limited to: email text, chat, email attachments, video files, audio files, electronic/internet gaming, Web page viewing or file transfers is expressly forbidden.

A. **Email** – Electronic mail which meets the following criteria is prohibited:

Spamming – An attempt by any student(s) to issue unsolicited bulk email to other students or to anyone outside of The Master's College.

Spoofing – Any attempt to send an email which appears to have originated from someone other than the actual sender. Unrelated to email, prohibited “spoofing” also includes any attempt to impersonate/borrow another user’s login.

B. **Internet/TMC Network** – Internet/TMC Network/MasterNet use is restricted in the following ways:

Web Page viewing – Viewing http, https, ftp, or any Internet site regardless of protocol with illegal, pornographic, or any other immoral material is prohibited. Please **BE AWARE** that all internet usage is both filtered and monitored.

Dial-up Internet Access – Students who have Internet-related needs that cannot be satisfied through the MasterNet wireless network must first **SECURE PERMISSION** from the MIS Department. It must be communicated that exceptions for dial-up service **INCUR COSTS** directly to the college. Students possessing legitimate needs for dial-up Internet access from a TMC facility must email their request to: dialup@masters.edu

Chat – Any application used for “Internet Messaging” or “Instant Messaging” cannot be used for illegal file trading (including, but not limited to, audio/video files) or to send illicit messages to anyone.

Uploading & Downloading of any type of electronic media file – The use of the Internet or the TMC Network for uploading and/or downloading files which contain unwholesome or illegal content is prohibited. **THIS INCLUDES, BUT IS NOT LIMITED TO: ANY CONTENT WHICH IS PROTECTED BY COPYRIGHT LAW.** Therefore, any file sharing involving music, video, audio, computer programs, etc. in which the distributor of the media (Web page/site or server) is not a legal and officially licensed distributor of the media is **PROHIBITED**. Stated alternately, all “pirated” material is clearly prohibited. Simply because media is accessible, or free of charge, does not make it legal. Whether an individual “thinks” such a file transfer/download is legal is irrelevant; Copyright Law indicates it is stealing.

Hacking - Any usage of the TMC Network for activities that are directly or indirectly, advertently or inadvertently considered “hacking” is prohibited. Any attempt to bypass security or content restrictions (such as Web page filtering) is considered “hacking.”

Foreign Media – Any attempt to introduce “foreign,” harmful, and/or inappropriate media to The Master's College Network is clearly prohibited (this includes, but is not limited to: viruses, worms, etc.). Complete responsibility for such actions lies with the student(s) who introduce it. Intentional introduction will be treated as hacking and the destruction of property.

Usage for Internet/Server – The TMC Network is not to be used to set up a personal “server.” The server prohibition includes, but is not limited to: file sharing, DCHP, WINS, DNS, Directory Services and Web Services (for an extended definition, please see the MasterNet computer use policy).

C. **Phone Usage** – Illicit or harassing phone calls are prohibited. This includes calls to phone services with sexual content or any type of inappropriate calls with/to other students.

IV. Consequences

Each student bears **full responsibility** for his/her actions as they relate to the use of the TMC Network or any electronic media. Discipline for all infractions of the Media Ethics Policy will be under the direction of Student Life. This may include, but is not limited to, the **suspension and/or revocation** of MasterNet access privileges.

- A. All legal consequences involving the use/misuse of the TMC Network or equipment lie solely with the user.
- B. The cost of damages caused by any student(s) enrolled at TMC will be born solely by the student(s) responsible individually; they shall not hold the college responsible in any way for their use/misuse of the Network whatever the ramifications of that use/misuse.
- C. Any departure from the Media Ethics Policy or misuse of the TMC Network which may be “technicality” fall outside of this policy but which remains within the moral, ethical, and spiritual guidelines intended by the “spirit” of this policy is subject to discipline.

Appendix D Computer Services Usage Policy

The Computer Services department strives to provide students with the computer technology they need to succeed in their studies at The Master's College. Students of TMC have access to a variety of computer resources, including the following:

- Internet and email access
- Common file area on our servers for collaboration on projects
- Personal storage areas for saving papers and other documents
- Printers that have been strategically placed in dormitories and buildings across campus

You can access these resources from the Computer Lab or Library or from your own computer if it has been connected to the wireless network. With access to these resources comes the responsibility to use them wisely. TMC's network is a resource that is shared by students, faculty, and staff alike. In order to avoid disrupting other network users, you should be aware of the following:

- Do not use network resources in a manner that disrupts other users, i.e., forwarding junk email, sending spam, or broadcasting messages.
- Be careful what you say in email or chat rooms; make sure you say what you mean to say. Others may not take what you say in the same manner that you do.
- Many aspects of using computers, i.e., Internet, email, word processors, etc., are learned by a trial-and-error method of encountering problems and discovering solutions. Please do not be afraid to try to find the answer yourself before asking others for help.
- Individual Internet resources are not the responsibility of Computer Services; if a particular web site or Internet link does not operate correctly, please contact the maintainer of that website for assistance.

Network Identification

The wireless Ethernet card that each student uses to access the wireless network has a specific hardware identification number ("MAC Address"). In order to maintain proper identification of each student on the wireless network, you are required to retain possession of the specific card that has been registered under your student ID. Each student is limited to one wireless access card per computer, and to two computers per student. Students may not swap access cards with other students or use non-registered wireless cards.

Setup personnel will install the student's username on the wireless setup screens when their computer is connected to the wireless network. Students may not remove or change this name. This does not refer to the network login name that the student uses to gain network access, but to the system-specific name which identifies the computer to the network; students are allowed to log into the network from another student's computer.

Each computer that is connected to the wireless network will be configured as a part of the STUDS workgroup, and the computer will be given a unique identifier based on the student's username and the operating system which is installed on the student's computer. The workgroup and/or computer name must not be changed while the computer is being used at TMC. Computer Services staff have the authority to change any student's workgroup and/or computer name to comply with network policy when their computer is serviced.

Network Access Points

All installed wireless access points and antennas are the property of TMC. Do not tamper with, adjust, abuse, repair, or otherwise touch these access points and their antennas.

All public area network printers will be using a hardwired network connection. No student is authorized to use these hardwire connections for any purpose.

All dormitory residents must be aware that most dorm hallways are now equipped with wireless access points and antennas. Due to the presence of this equipment, residents should be very careful about horseplay, throwing objects, and other activities in these areas.

Network Access

All network, Internet, and email usage is not private and is monitored. Computer Services staff have the right to examine any files on shared or personal storage. Any questionable usage or activity will be immediately reported to Student Life.

Each student will be provided with a username and password that will be required for the use of any network resource which requires authentication. Students are responsible to protect their password from unauthorized use; to prevent this, passwords should not be printed, stored on-line, or given to others. Users will be held responsible for all operations that take place under their user account.

Students are not allowed for any purpose to obtain and/or use any login account that is not their own. Students must obtain permission from the owner of any file before viewing or altering its contents. Just because you can obtain the ability to read, alter, or copy a file does not imply that you have permission to read, alter, or copy that file.

Students may not attempt to probe, scan, or test the vulnerability of any TMC system or network, or breach security or authentication measures, which include attempting to obtain and/or distribute encryption keys used at TMC.

Students are not allowed to set up any form of proxy service or other such arrangement to enable more than one computer to access the network via a wireless connection; each student is limited to one connection per access card. In addition, students are not allowed to set up any type of server or server operating system on computers that are connected to the network. This includes, but is not limited to, the following services:

- DHCP
- WINS
- DNS
- NDS Trees
- Web Servers

In addition, the following services are allowed only with specific permission from the TMC Network Administrator:

- Any type of Domain

- Any Workgroup other than STUDS

Students are not allowed to make or obtain copies of software or other intellectual properties (i.e. music .mp3's, videos, etc.) using The Master's College's network. All students must abide by intellectual property laws, including copyright laws and software contracts. Students may not copy, store, display, or distribute copyrighted material or proprietary data using the network that has not been placed in the public domain, or distributed as freeware, without the express permission of the copyright owner. Computer Services staff will periodically remove all music, video, and other multimedia files from students' common and personal storage spaces on the network.

Students may not use TMC's computer resources for commercial purposes, except for incidental work such as posting a resume, mentioning consulting services in a web page, or communicating with an employer via email. Students may not use TMC-owned resources for commercial development of programs, data processing or computation, or preparation and presentation of advertising material (this does not apply to personally-owned computers that are connected to the wireless network).

Students must remember that the network is a shared resource and that many people must use it for their daily work. Consuming large amounts of system resources (network bandwidth, disk space, print queues) by performing large file downloads or networked gaming can obstruct this work and in such cases Computer Services staff have the authority to throttle bandwidth and/or terminate connections that monopolize resources.

Students will be held responsible for any action using the network that is chargeable as a violation of local, state or federal law, whether or not charges are brought by civil authorities.

Email/Messaging

In order to maintain efficient communication and to conserve network resources, SPAM, chain letters, and other unwelcome messages, whether sent to addresses within the network or across the Internet, are prohibited. Students may not send unsolicited messages to multiple students without approval by the appropriate college authority. Students may not send messages with forged headers; all messages must accurately show from where and whom the message originated.

Computer Services reserves the right to filter, refuse, or discard mail from outside hosts that send unsolicited, mass, or commercial messages, or messages that appear to contain viruses.

Students are prohibited from sending material that is obscene or defamatory, or with intent to annoy, harass, or alarm.

Printing

In order to curb frivolous printing and to keep costs down, a printing charge has been instituted that applies to all TMC printers found in the dormitories and at various points across campus, including the Computer Lab and Library. Each student starts with a credit balance of 225 free pages. When you use up your 225 free pages, the print server will continue to deduct each page and your balance will accrue as a negative number. At the end of each semester, students with a negative balance will have their student account billed \$0.04 per page beyond the 225 page limit.

If you feel that there has been a mistake with your print charges, a detailed report can be run to verify each print job you printed for a \$3.00 service charge. If there is indeed an error in print charges, you will be refunded the

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service charge and have any amount due to you credited to your account. Requests for detailed print usage reports must be written and can be made by emailing studenthelp@masters.edu or writing Computer Services Student Helpdesk at TMC Box 45.

If there is a run off of blank pages due to printer or software problems, you must report this to the Computer Services Student Helpdesk within 2 days of the printout to receive credit.

Please include the following information:

- 1.Name
- 2.Date of Print Job
- 3.Number of Pages Printed
- 4.Which Printer You Printed to

You can email studenthelp@masters.edu or call x3876 with this information.

Unused pages cannot be carried over to the next semester. At the beginning of each semester your balance will be reset to 225 pages.

Policy Violations

Students who violate the above stated policies will be subject to one or more of the following disciplinary actions:

- 1.Student may receive a written notice and warning about the violation.
- 2.The student's network connection may be immediately terminated.
- 3.Network access may be suspended until the situation is rectified.
- 4.Network access may be suspended for a specified period of time.
- 5.Replacement/repair costs for damage to TMC-owned property will be charged to the responsible students' accounts.
- 6.Violations may be reported to Student Life which may result in further, more serious penalties.

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Appendix E

Web Development Intellectual Property Policy

All material published on The Master's College Web site, including public web pages, private internet pages or extranet pages and course home pages must conform to all intellectual property laws and regulations.