

## **COPYRIGHT POLICY**

### **Introduction**

1. Copyright is an intellectual property right that protects the creator or author of a work against the unauthorised use and exploitation of the work. It is a legal requirement for the University of Suffolk (the institution) to comply with the Copyright, Design and Patents Act 1988, and all associated regulations and re-enactments, as well as licensing terms and conditions, in full.
2. Infringements of copyright legislation or licences by any individual may result in legal action against the individual or the institution. The institution considers breach of copyright to be a serious offence and may take disciplinary action where this occurs, as outlined in the institutional Disciplinary Procedure.
3. This policy relates to the reuse of third party (other people's) materials, in accordance with the Copyright, Designs and Patents Act 1988. This includes, but is not limited to text, images, databases, drawings, graphic designs, logos, sound recordings, films, broadcasts, computer programs (software), and electronic material stored on local and remote drives and on internet sites.
4. Ownership and copyright of materials produced by the institution or its employees and students is excluded from this policy.
5. The terms of this policy are binding for all employees and students, as well as all visitors of the institution.

### **Role of the institution**

6. The institution purchases a Higher Education Licence from the Copyright Licensing Agency (CLA). This licence covers all photocopying facilities at the Ipswich Campus.
7. In addition to this licence, the institution complies with the licensing terms and conditions for the Enhanced Higher Education Supply Service (EHES), which permits the reproduction of born digital copies or scanned to digital copies of materials for course use within the online learning environment (OLE).
8. The Head of Learning Services, at Ipswich, is the Copyright Officer for the institution. Full guidance is available through the Learning Services website, and from the CLA website.

9. Learning Services will ensure that Copyright Notices (explaining the principles of copyright legislation, and terms of the various licences) are made available at all photocopying facilities at the Ipswich campus.

10. Photocopying and services based at the Partner institutions are managed under the Institution's local CLA licence and agreement.

### **Implementation**

11. It is the responsibility of the Deans of School, Directors and Heads of Service to ensure the implementation of this policy and any associated guidelines.

### **Copyright clearance**

12. It is the responsibility of all individual students, staff, and visitors to the institution to ensure the reuse of third party materials is carried out in full compliance with copyright law. This includes ensuring that permission has been granted for the reuse, and that the economic and moral rights of the authors or creators are protected.

13. Before re-using other people's work the individual must either ensure that there is licensed permission to use the work or that a copyright exception permits the use. If in doubt, it should be assumed that the works are protected by copyright and that permission is required. Information on exceptions and seeking further guidance is available on the [Learning Services website](#).

14. If the reuse is not licensed and does not fall within an exception, permission must be sought and granted by the rights holder, **prior** to the work being completed.

15. Evidence of the permission to re-use the work must be kept with the related work until it is discarded. Where the work is kept as part of an archive or permanent record, evidence of the granted permissions must also be retained with the work.

16. [Guidance and support](#) on the licences that the institution has in place for teaching and learning and the copyright exceptions that apply to teaching and learning can be provided by the Head of Learning Services.

### **Digitised content for course packs in the Online Learning Environment (OLE)**

17. Book chapters and journal articles may be reproduced for dissemination to students as part of the support materials for teaching and learning.
18. The materials disseminated are subject to copyright legislation and clearance, and must be recorded centrally, by Learning Services, for annual reporting to the CLA.
19. Reproduced materials should be shared digitally via a secure institutional network, the VLE.
20. Materials may only be accessed by a named cohort of students on a named module of a named validated course, for a defined period of time. At the end of that period, access must be withdrawn.
21. The CLA maintains the right to audit institutional compliance with this aspect of the legislation, and to make relevant changes to this policy at any time. Further guidance is available on the [CLA site](#).
22. The Learning Services Department at the Ipswich campus is responsible for the delivery of services to support [delivery and compliance](#).
23. The Learning Services team will perform internal audits of validated course areas within the OLE to monitor compliance with this section of copyright legislation.
24. Where breaches of compliance are found, contact will be made with the course leader, in the first instance, to recommend solutions to ensure compliance.
25. The Learning Services will work with the course team to address issues of compliance.
26. Where action is not taken by the course team to rectify the sharing of non-compliant materials, the breach will be raised with the Head of Learning Services and the Dean of School as required. At this point non-compliant materials will be withdrawn from the OLE by Learning Services.
27. Ongoing non-compliance may be viewed as a disciplinary offence.

### **Provision of accessible texts, and copyright exemption**

28. There are two exceptions to copyright law for the benefit of disabled people. In June 2014, the Copyright, Designs and Patents Act 1988 was updated to include all forms of disability rather than just visual impairment.

29. These exceptions relate to the production of copies from items which are not already available in an accessible format. This includes those which are commercially available, but not yet owned. For the purposes of clarity we define accessible as any text in an electronic format, e.g. eBook or eJournal, which may be digitally manipulated for personal use.

30. Where a request is made for an accessible copy of a text which is commercially available in an accessible format, but is not currently part of the institutional library collection, the Library will, as far as is possible, and subject to operational restrictions, obtain a copy of the item in electronic format and make this available through standard collection.

31. Under legislation, where a suitable accessible copy is available commercially on reasonable terms, but cannot be purchased by the individual or the institution, no accessible copy can be made by the student, recognised helper or institution.

32. To support access to electronic texts, the institutional library will make a number of assistive technologies available for issue to students with no access to personal assistive technologies, as recommended through individual reasonable adjustments.

33. The exceptions permit the student, or the student's recognised helper, to make an accessible copy in whole or in part if the student lawfully owns, or has the right to use a copy of the work. For clarity, this means that the student must own a personal copy of the text, or have borrowed a copy of the text from the Library for the duration of use of the accessible copies.

34. The exceptions also permit the institution to make accessible copies where the institution has lawful possession of 'the master copy' and where a suitable accessible copy is not commercially available (Copyright, Designs and Patents Act 1988, Section 31A).

35. Where the institution is asked to make accessible copies, it is recommended that all requests for accessible copies are made to the Library, who will hold the 'master copy'. Wherever appropriate, these should be made through the reasonable adjustment process conducted by Student Services.

36. Any copies produced by the institutional Library must be accompanied by a statement to say that it has been made under the terms of the Copyright, Designs and Patents Act 1988 (section 31B), and must also show significant acknowledgement of its source (e.g. title, author and edition), and make clear that the copy should only be used for educational purposes.

37. The exception does not permit any changes to the work which are not necessary to overcome the problems suffered by the disabled persons for whom the accessible copy is intended.

38. The CLA HE licence does permit type size enlargement / reduction, alternative fonts, colour adjustment (background or font) left/right justification (and other techniques to make content accessible by those visually or otherwise disabled).

39. Where reasonable adjustments are not requested, but there is still proof of need and impairment, requests can be made directly to [copyright.learningservices@uos.ac.uk](mailto:copyright.learningservices@uos.ac.uk).

### **Handling infringement claims**

40. If members of staff are accused of any infringement of copyright legislation in the course of their employment with the institution, they should contact the Head of Learning Services in the first instance. The Head of Learning Services will provide support and guidance through the process of investigation. It should be noted that a claim of ignorance of the law is not a defence under copyright law.

41. Where students are accused of any infringement of copyright legislation, related to their course of academic study, they should contact their tutor or course leader in the first instance. The Head of Learning Services will provide advice and guidance if required.