



Copyright Policy for Mandl School, the College of Allied Health

COPYRIGHT LAW

The copyright law of the United States (title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that user may be liable for copyright infringement. Mandl urges Faculty and students to familiarize themselves with “fair use” guidelines and reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law. For further information, please refer to the US Copyright Office website at: <https://www.copyright.gov/what-is-copyright/>

1. Purpose of This Policy

Mandl School, the College of Allied Health ("the College") is committed to complying with federal, state, and local copyright laws in all academic, administrative, and operational activities. This policy provides guidelines on the lawful use of copyrighted material by the College, its faculty, staff, students, and any associated entities.

2. Scope

This policy applies to all members of the College community, including but not limited to faculty, staff, students, contractors, and visitors. It covers the use of all copyrighted materials, including but not limited to text, images, videos, music, software, and other digital and non-digital content.

3. Federal Copyright Law Compliance

3.1. General Guidelines

The College adheres to the U.S. Copyright Act of 1976, as amended, including the Digital Millennium Copyright Act (DMCA). The use of copyrighted material must comply with the following principles:

Fair Use: The College recognizes the doctrine of "fair use" under Section 107 of the U.S. Copyright Act, which permits limited use of copyrighted material without the need for permission from the copyright owner for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. Factors to consider include the purpose of the use, the nature of the copyrighted work, the amount and substantiality of the portion used, and the effect on the potential market for the work.

Permission and Licensing: For uses that do not fall under fair use, the College must obtain appropriate permissions or licenses from the copyright holder. This applies to all forms of media, including photocopying, scanning, digital distribution, and public performance of audiovisual materials.

Digital Millennium Copyright Act (DMCA) Compliance: The College has a designated DMCA Agent to receive notifications of claimed infringement and ensure the College's online activities comply with DMCA requirements.

3.2. Specific Provisions for For-Profit Entities

As a for-profit institution, the College acknowledges that certain uses that might be considered fair use in non-profit settings may require licensing or permission when used commercially. This includes but is not limited to:

Course Materials: All course materials must be evaluated for fair use or licensed appropriately if they are to be used repeatedly or extensively in a commercial setting.

Software Licensing: All software used by the College must be properly licensed. Unauthorized copying, sharing, or distribution of software is strictly prohibited.

3.3. Penalties for Copyright Infringement

The College understands that copyright infringement carries significant penalties under federal law, including:

Statutory Damages: Infringers may be liable for statutory damages ranging from \$750 to \$30,000 per infringed work. If the infringement is found to be willful, damages can increase up to \$150,000 per infringed work.

Criminal Penalties: Willful infringement for commercial advantage or private financial gain may result in criminal penalties, including fines of up to \$250,000 and/or imprisonment for up to 5 years for the first offense.

DMCA Violations: Violations under the DMCA, such as circumventing copyright protection systems, can lead to additional fines and criminal charges.

4. Compliance with Title IV Federal Requirements

4.1. HEOA Compliance

The College adheres to the requirements of the Higher Education Opportunity Act (HEOA) regarding the use of copyrighted materials and digital content. The College is committed to providing students with access to legal alternatives for acquiring copyrighted material and has implemented a plan to combat unauthorized distribution of copyrighted materials.

4.2. Annual Notice Requirement

The College provides an annual notice to all students and employees about copyright laws. This notice includes:

- A summary of civil and criminal penalties for violation of federal copyright laws.
- A description of the College's policies regarding the unauthorized distribution of copyrighted materials.
- Information on legal alternatives for downloading or acquiring copyrighted materials.

4.3. Monitoring and Enforcement Mechanisms

The College will use technology-based deterrents to detect and address unauthorized distribution of copyrighted material using the institution's information technology system. This includes:

- Implementing monitoring systems to detect potential copyright violations.
- Periodically reviewing the effectiveness of these measures and updating them as necessary to ensure compliance.

4.4. Provision of Legal Alternatives

The College will provide information on legal sources of copyrighted material through its website or other accessible formats for students and employees. This list will be regularly updated to include new legal alternatives as they become available

5. New York State (NYS) and New York City (NYC) Law Compliance

5.1. New York State Education Law

Section 202: The College must ensure that any educational materials, including textbooks and software, are used in compliance with copyright laws. The use of pirated materials is strictly prohibited, and the College will maintain records of all educational materials to demonstrate compliance.

Section 214: This section governs the use of materials in libraries. The College's library must comply with all relevant provisions, including those related to the reproduction of materials for educational use, interlibrary loans, and the digital transmission of copyrighted works.

5.2. New York City Specific Requirements

NYC Local Law 11 of 2003: Applies to city institutions and mandates that all copyrighted material used in public and private educational institutions within the city must be properly licensed. Any public performances or displays of copyrighted works must be documented and licensed as necessary.

NYC Human Rights Law: The College must ensure that all uses of copyrighted materials respect intellectual property rights and do not discriminate based on any protected characteristic.

5.3. Penalties Under New York Law

Civil Penalties: Violations of state copyright laws can result in civil penalties, including actual damages and profits gained from the infringement. Courts in New York may also award statutory damages.

Criminal Penalties: In cases of willful infringement, New York State law may impose criminal penalties, including fines and imprisonment.

6. Responsibilities

6.1. Compliance Officer

The Compliance Officer is responsible for overseeing the implementation of this policy, providing guidance on copyright issues, and ensuring that all College activities comply with applicable copyright laws.

6.2. Faculty and Staff

All faculty and staff are required to understand and adhere to this policy when using copyrighted materials. This includes obtaining necessary permissions, evaluating fair use, and keeping records of permissions or licenses obtained.

6.3. Students

Students must adhere to this policy in their academic work. This includes respecting copyright when creating or using materials for coursework, presentations, or other academic activities.

7. Enforcement

Violations of this policy may result in disciplinary action, up to and including termination of employment or academic expulsion, as well as potential legal action by copyright holders.

8. Policy Review and Updates

This policy will be reviewed annually to ensure compliance with current federal, state, and local laws, including Title IV requirements. Any updates will be communicated to all members of the College community.

COPYRIGHT INFRINGEMENT CLAIMS

Students concerned about potential Copyrights violations should file the claim with the library staff at: mmcduffie@mandlacademics.com. Also, students can file a complaint by sending an email to the following email address: mfoote@mandlacademics.com