



UTAH VALLEY UNIVERSITY Policies and Procedures

Proposed Policy Number and Title: Policy 135 Copyright (DELETION)			
Existing Policy Number and Title: Click or tap here to enter text.			
Approval Process*			
<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Temporary	<input type="checkbox"/> Non-Substantive Change	<input type="checkbox"/> Compliance Change
<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> Revision–Limited-Scope	<input type="checkbox"/> Revision–Limited-Scope
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision		<input type="checkbox"/> Deletion
<input checked="" type="checkbox"/> Deletion	<input type="checkbox"/> Suspension		
Anticipated Expiration Date (Temporary Policies): Click or tap to enter a date.			

*See UVU Policy 101 *Policy Governing Policies* for process details.

Draft Number and Date: <u>Regular, Deletion, December 14, 2023</u>
President’s Council Sponsor: <u>Wayne Vaught</u> Ext. _____
Policy Steward: <u>Kat Brown</u> Ext. _____

POLICY APPROVAL PROCESS DATES	
<p>Policy Drafting and Revision Entrance Date: <u>12/14/2023</u></p> <p>University Entities Review Entrance Date: <u>12/14/2023</u> Close Feedback: <u>03/1/2024</u></p> <p>University Community Review Entrance Date: <u>03/14/2024</u> Open Feedback: <u>03/14/2024</u> Close Feedback: <u>03/22/2024</u></p> <p>Board of Trustees Review Entrance Date: <u>05/23/2024</u> Approval Date: _____</p>	<p style="text-align: center;">POST APPROVAL PROCESS</p> <p>Verify:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Policy Number <input type="checkbox"/> Section <input type="checkbox"/> Title <input type="checkbox"/> BOT approval <input type="checkbox"/> Approval date <input type="checkbox"/> Effective date <input type="checkbox"/> Proper format of Policy Manual posting <input type="checkbox"/> TOPS Pipeline and Archives update <hr/> <p>Policy Office personnel who verified and posted this policy to the University Policy Manual</p> <p>Name: _____</p> <p>Date posted and verified: _____</p>



POLICY TITLE	Use of Copyrighted Materials	Policy Number	135
Section	Governance, Organization, and General Information	Approval Date	June 21, 2012
Subsection	Publications, Reports, Research, and Records	Effective Date	June 21, 2012
Responsible Office	Office of the Provost/Academic Affairs		

1.0 PURPOSE

1.1 The purpose of this policy is to outline the responsibilities of members of the campus community with respect to federal laws regarding copyrighted materials. This policy sets forth the rights and responsibilities of the University, its faculty, staff, and students in their roles as members of the campus community in use of copyrighted works using university resources. This policy establishes coordination for the dissemination of information about the use of copyrighted materials.

2.0 REFERENCES

- 2.1** *Copyright Act of 1976, (Title 17 of the United States Code) as amended*
- 2.2** *Digital Millennium Copyright Act (DMCA)*
- 2.3** *UVU Policy 371 Probation, Discipline, Dismissal, and Termination*
- 2.4** *UVU Policy 541 Student Code of Conduct*
- 2.5** *UVU Policy 648 Faculty Personnel Reduction*

3.0 DEFINITIONS

3.1 Campus community: All University employees, full and part time faculty and staff, visiting faculty members and researchers, full and part time students.

3.2 Copyright: A property right in an original work of authorship fixed in any tangible medium of expression giving the holder the exclusive right to reproduce, adapt, distribute, perform, and display the work.

3.3 Copyright infringement: The act of violating any of the copyright owner's exclusive rights granted by the federal *Copyright Act of 1976*.



36 ~~3.4 Illegal peer-to-peer file sharing (P2P):~~ Downloading, uploading, or electronically
37 distributing substantial portions of a copyrighted work without the permission of the copyright
38 holder, or participating in illegal peer-to-peer services.
39

40 ~~3.5 University Copyright Agent:~~ University employee registered with the U.S. Copyright
41 Office as the designated agent to receive notifications of claimed infringement pursuant to
42 Section 512(c)(2) of the *Copyright Act of 1976*.
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4.0 POLICY

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46 ~~4.1~~ Members of the campus community shall comply with the *Copyright Act of 1976*, as
47 amended, the *Digital Millennium Copyright Act (DMCA)*, and all subsequent amendments.
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49 ~~4.2~~ Copyrighted materials may not be copied or otherwise used without the copyright owner's
50 permission unless such use constitutes fair use or one of the other limitations on exclusive rights
51 specified by the *Copyright Act of 1976*.
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53 ~~4.3~~ To facilitate compliance, the University's Committee for Use of Copyrighted Materials shall
54 inform the campus community in the proper use of copyrighted materials.
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56 ~~4.4~~ Members of the campus community who willfully and/or repeatedly infringe copyright
57 and/or engage in illegal peer-to-peer file sharing are subject to discipline in accordance with
58 UVU Policy 371 *Probation, Discipline, Dismissal, and Termination*, UVU Policy 541 *Student*
59 *Code of Conduct*, and UVU Policy 648 *Faculty Personnel Reduction*.
60

61 ~~4.5~~ Copyright infringement and/or illegal peer-to-peer file sharing may subject students and/or
62 employees to civil or criminal penalties as found in the *Copyright Act of 1976*, as amended, and
63 the *DMCA*.
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5.0 PROCEDURES

5.1 Committee for Use of Copyrighted Materials

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69 ~~5.1.1~~ The Provost appoints the Committee for Use of Copyrighted Materials (Committee). This
70 Committee shall consist of a chair, the University Copyright Agent, and at least five additional
71 representatives drawn from critical areas with particular concerns or expertise relative to
72 copyright use including, but not limited to, the Faculty Senate, the Academic Affairs Council,
73 Digital Transformation, and the Library. The chair of the Committee shall report to the library
74 director.
75

76 ~~5.1.2~~ The Committee has responsibility for: (1) coordinating educational activities for the
77 campus community about their rights and responsibilities under copyright law and the limitations



78 on use of copyrighted materials, and (2) assisting with compliance, including responding to
79 potential copyright infringement.

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81 **5.2 Infringement of Copyright**

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83 **5.2.1** When the Committee is informed of potential copyright infringement, the Committee shall
84 notify the individual of possible infringement and work with the individual to take corrective
85 action if needed. The Committee shall maintain documentation of such notifications and any
86 corrective actions taken.

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88 **5.2.2** In cases of willful or repeated infringement by an employee, the employee's supervisor
89 shall be informed. In consultation with the Committee, the supervisor shall investigate the
90 potential infringement and take action consistent with appropriate university discipline policy.

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92 **5.2.3** In cases of willful or repeated infringement by a student, the Office of Judicial Affairs shall
93 be informed and shall take action in accordance with UVU Policy 541 *Student Code of Conduct*

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95 **5.3 Copyright Compliance with the Digital Millennium Copyright Act (DMCA)**

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97 **5.3.1** Information and procedures regarding compliance with the *Digital Millennium Copyright*
98 *Act (DMCA)* for notification of copyright infringement are available from Digital
99 Transformation.

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POLICY HISTORY		
March 09, 2006	Approved for Policy Manual.	UVU Board of Trustees
June 16, 2011	Approved as a Temporary Emergency policy.	UVU Board of Trustees
June 12, 2012	Approved as a Regular policy.	UVU Board of Trustees
November 29, 2018	Non-substantive change in sections 2.2, 4.4, and 5.3.2: Name of Policy 541 updated from <i>Student Rights and Responsibilities</i> to <i>Student Code of Conduct</i> .	UVU Policy Office
July 23, 2019	Non-substantive change: Section 5.1.1 Updated "The Senior Vice President of Academic Affairs" to "Provost"	UVU Policy Office
September 27, 2023	Non-Substantive Changes to sections 5.1.1 and 5.3.1. Changed "Information Technology" to "Digital Transformation"	UVU Policy Office

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○ EXECUTIVE SUMMARY:

Policy 135 *Copyright Materials*

Date: December 1, 2023
Sponsor: Wayne Vaught
Steward(s): Kathren Brown
Policy Process: Regular
Policy Action: Deletion
Policy Office Editor: Cara O’Sullivan
Embedded Attorney: Eric Gardanier

Issues/Concerns (including fiscal, legal, and compliance impact):

The essential components of this policy will be in the revised version of Policy 135 *Intellectual Property*. All legally required copyright notifications can be posted in another easily accessible place, such as the Fulton Library website. Therefore, we request that President’s Council approve this policy for deletion.

Suggested Changes: Deletion

Requested Approval from President’s Council: Entrance into Stage 1 and Stage 2

Proposed Drafting Committee: Not applicable

Target Date for Stage 1 Draft to Enter Stage 2: 12/14/2023

Target Date for Board of Trustees Review: 2/22/2024

Projected Timeline: [Leave blank. To be filled in by the Policy Office.]

POLICY APPROVAL PROCESS - STAGE 2 SUMMARY OF COMMENTS

Policy Title: Copyright	Policy Number: 335
Sponsor: Wayne Vaught	Steward: Kat Brown
Presentation to: AAC, Faculty Senate, PACE, UVUSA	Date Presented: February 2024

NOTE: Indicate with X whether the comment is editorial (grammar, punctuation, sentence structure, etc.) or is a substance comment (content, procedure, etc.).

CAMPUS ENTITY	POLICY SECTION	Editorial Comment?	Substance Comment?	CONCERN	SPONSOR/STEWARD RESPONSE
AAC				No comments.	
Faculty Senate				No comments.	
PACE				No comments.	
UVSUA				No comments.	